



STATUTORY INSTRUMENTS.

S.I. No. 408 of 2015

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 6) (PAYMENTS TO NOMINATED
PERSONS) REGULATIONS 2015

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 6) (PAYMENTS TO NOMINATED PERSONS) REGULATIONS 2015

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 186 of 2010)) and 244 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), hereby make the following Regulations:

Citation and construction

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Payments to Nominated Persons) Regulations 2015.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2015 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2015.

Nominated persons

2. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) are amended—

(a) by the substitution of the following article for article 201:

“Nomination of persons to receive payment of benefit

201. (1) Subject to article 201A, a person to whom benefit is payable may nominate a person who is over the age of 18 years to receive payment of benefit on his or her behalf and, subject to the consent of the Minister, such benefit may be payable to the person so nominated.

(2) Every nomination under sub-article (1)—

(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.

(3) The Minister may withdraw his or her consent to a nomination under sub-article (1) where he or she considers that the circumstances so warrant.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 29th September, 2015.

(4) A person nominated under sub-article (1) shall pay the person to whom benefit is payable the full amount of the payment without deduction of any kind.”,

(b) by the insertion of the following article after article 201:

“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 benefit, and
- (d) adoptive 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.”, and

(c) by the substitution of the following article for article 210:

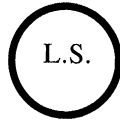
“Provisions relating to nominations and appointments

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 month's 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.”.



GIVEN under my Official Seal,
24 September 2015.

JOAN BURTON,
Minister for Social Protection.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

Under the current arrangements applying to the payment of social welfare benefits, social welfare recipients can nominate another person to collect their social welfare payments on their behalf. This situation can arise, for instance, where a person who normally receives payment in cash at a post office is sick or otherwise unable to attend the post office on a particular week. In such cases, the person who has been nominated to collect the payment must pay the full amount of the payment over to the social welfare recipient.

These Regulations extend the current payment arrangements, which are set out in Chapter 2 of Part 7 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007), in order to allow recipients of certain social welfare benefits to nominate their employer to receive payment of that benefit on their behalf. These provisions will facilitate employees who have occupational sick or maternity pay arrangements.

Under some occupational sick and maternity pay schemes, employees continue to receive full pay from their employer while on sick leave or maternity leave, but are obliged to remit any social welfare benefits to the employer. In such cases, the employee will be able to opt to nominate to have the social welfare benefit paid directly to the employer. However, the employee may withdraw such a nomination at any time, in which case the social welfare benefit will be paid directly to the employee.

The social welfare benefits to which these new arrangements will apply are those benefits which are normally paid to employees who are absent from work due to sickness, pregnancy or adoption, i.e.—

- Illness Benefit,
- Maternity Benefit,
- Adoptive Benefit, and
- Health and Safety Benefit.

These Regulations also make consequential amendments to social welfare payments arrangements to confirm that any social welfare benefits paid to the employer following a nomination by the employee will be a good discharge of the liabilities of the Minister and/or the Social Insurance Fund to the employee concerned.

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