



STATUTORY INSTRUMENTS.

S.I. No. 745 of 2024

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 4) (JOBSEEKER'S BENEFIT AND JOBSEEKER'S BENEFIT (SELF-EMPLOYED) – PERSONS WHO HAVE ATTAINED THE AGE OF 65 YEARS) REGULATIONS 2024

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I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (amended by section 10 of the Social Welfare Act 2020 (No. 30 of 2020)), 62(5)(a), 62(7), 68A(1), 68C(2), 249(1)(a) and 292 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, 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. 4) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) – Persons who have attained the age of 65 years) Regulations 2024.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2024 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2024.

Commencement

2. These Regulations come into operation on the 1st day of January 2024.

Definitions

3. In these Regulations—
“2021 Regulations” means the 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).

Arrangements for jobseeker claimants aged 65 years

4. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) are amended—
(a) in article 14(9) (inserted by article 3(a) of the 2021 Regulations) by the substitution of “where the person has attained the age of 65 years and has not yet attained the age of 66 years and” for “from the date that person attains the age of 65 years”,

- (b) in article 15(1A) (inserted by article 3(b) of the 2021 Regulations) by the substitution of “where a person has attained the age of 65 years and has not yet attained the age of 66 years who would otherwise qualify for jobseeker’s benefit or jobseeker’s benefit (self-employed), that person shall” for “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”,
- (c) in article 16(1A) (inserted by article 3(c) of the 2021 Regulations) by the insertion of “years and has not yet attained the age of 66” after “the age of 65”,
- (d) in article 52(2) (inserted by article 3(f) of the 2021 Regulations) by the insertion of “years and has not yet attained the age of 66” after “the age of 65”,
- (e) in article 52G(2) (inserted by article 3(h) of the 2021 Regulations) by the insertion of “years and has not yet attained the age of 66” after “the age of 65”,
- (f) in article 52HA (Inserted by article 3(i) of the 2021 Regulations) by the insertion of “and has not yet attained the age of 66 years” after “has attained the age of 65 years”,
- (g) in paragraph (da) of article 217 (Inserted by article 2(b) of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Absence from the State) Regulations 2022 (S.I. No. 495 of 2022)) by the insertion of “years and has not yet attained the age of 66” after “the age of 65”.

The Minister for Public Expenditure, National Development Plan Delivery and Reform consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,
9 December, 2024.

PASCHAL DONOHOE,
Minister for Public Expenditure, National Development
Plan Delivery and Reform.



GIVEN under my Official Seal,
9 December, 2024.

HEATHER HUMPHREYS,
Minister for Social Protection.

EXPLANATORY NOTE

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

Part 4 of the Social Welfare (Miscellaneous Provisions) Act 2023 (No. 37 of 2023) amends the Social Welfare Consolidation Act 2005 to facilitate—

- the introduction of flexibility to State Pension (Contributory) to allow a person to defer claiming the State Pension (Contributory) up to the age of 70,
- continued access to specified weekly social welfare payments after reaching pensionable age and during pension deferral,
- the phased transition to the total contributions approach, in the calculation of the State Pension (Contributory).

Consequential to the changes to State Pension (Contributory), these Regulations confirm that a person who has attained the age of 65 years and has not yet attained the age of 66 years, who would otherwise qualify for Jobseeker's Benefit or Jobseeker's Benefit (self-employed), will not be obliged to meet the ongoing requirements of those schemes in relation to availability for work, genuinely seeking work, signing-on or activation.

In addition, they provide that a person who has attained the age of 65 years and has not yet attained the age of 66 years, who is in receipt of Jobseeker's Benefit or Jobseeker's Benefit (Self-Employed), is not disqualified for receipt of such payment where his or her temporary absence from the State exceeds two weeks, provided he or she does not engage in gainful employment during that absence.

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