



STATUTORY INSTRUMENTS.

**S.I. No. 730 of 2011**

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SOCIAL WELFARE (CONSOLIDATED OCCUPATIONAL INJURIES)  
(AMENDMENT) (NO. 2) REGULATIONS 2011

**(Prn. A11/2449)**

S.I. No. 730 of 2011

SOCIAL WELFARE (CONSOLIDATED OCCUPATIONAL INJURIES)  
(AMENDMENT) (NO. 2) REGULATIONS 2011

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 and 75 (amended by section 3 of the Social Welfare Act 2011 (No. 37 of 2011)) 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 Occupational Injuries) (Amendment) (No. 2) Regulations 2011.

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

*Definition.*

2. In these Regulations “Principal Regulations” means the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 (S.I. No. 102 of 2007).

*Commencement.*

4. These Regulations come into operation on 1 January 2012.

*Amount of disablement gratuities and pension in lieu of disablement gratuities.*

5. The Principal Regulations are amended by substituting the following articles for articles 9 and 10:

*“Amount of disablement gratuities.*

9. (1) In the case of any assessment of disablement—

(a) where the period to be taken into account by the assessment began before 1 January 2012, or

(b) where there has been a provisional assessment, and—

(i) the initial period to be taken into account by the assessment began before 1 January 2012, and

(ii) any subsequent period to be taken into account by the assessment begins on or after 1 January 2012,

and the extent of a claimant’s disablement is assessed at any of the degrees of disablement severally specified in column (1) of Schedule 3, the amount of any disablement gratuity payable shall—

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 6th January, 2012.*

- (I) if the period taken into account by that assessment is limited by reference to the claimant's life or is not less than 7 years, be the amount specified in column (2) of Schedule 3 as appropriate to that degree of disablement,
- (II) in any other case, be an amount which bears the same proportion to the amount so specified as the period taken into account by the assessment bears to a period of 7 years, a fraction of 5 cent being, for this purpose, treated as 5 cent.

(2) In the case of any assessment of disablement where the period to be taken into account by the assessment began on or after 1 January 2012 and where the extent of a claimant's disablement is assessed at any of the degrees of disablement severally specified in column (1) of Schedule 3A, the amount of any disablement gratuity payable shall—

- (a) if the period taken into account by that assessment is limited by reference to the claimant's life or is not less than 7 years, be the amount specified in column (2) of Schedule 3A as appropriate to that degree of disablement,
- (b) in any other case, be an amount which bears the same proportion to the amount so specified as the period taken into account by the assessment bears to a period of 7 years, a fraction of 5 cent being, for this purpose, treated as 5 cent.

*Pension in lieu of disablement gratuities.*

10. (1) In the case of any assessment of disablement—

- (a) where the period to be taken into account by the assessment began before 1 January 2012, or
- (b) where there has been a provisional assessment, and—
  - (i) the initial period to be taken into account by the assessment began before 1 January 2012, and
  - (ii) any subsequent period to be taken into account by the assessment begins on or after 1 January 2012,

and where, in accordance with the provisions of paragraph (a) of section 75(10), a claimant opts for the substitution of a pension for a gratuity, the weekly rate of the pension shall be the amount specified in column (3) of Schedule 3 as appropriate to the degree of disablement assessed in his or her case.

(2) In the case of any assessment of disablement where the period to be taken into account by the assessment began on or after 1 January 2012 and where, in accordance with the provisions of paragraph (a) of section 75(10), a claimant opts for the substitution of a pension for a gratuity, the weekly

rate of the pension shall be the amount specified in column (3) of Schedule 3A as appropriate to the degree of disablement assessed in his or her case.”.

*New Schedule 3A.*

6. The Principal Regulations are amended by inserting the following Schedule after Schedule 3:

Articles 9 and 10.

“SCHEDULE 3A

**Scale of Disablement Gratuities and of Weekly Rates of Pension in Lieu of Disablement Gratuities**

Degree of Disablement (1)	Amount of Gratuity (2)	Weekly Rate of Pension (3)
Per Cent	€	€
1 to 14	Nil	Nil
15	12,256	32.90
16	13,022	35.00
17	13,788	37.20
18	14,554	39.40
19	15,320	41.60

”.



GIVEN under my Official Seal,  
22 December 2011.

JOAN BURTON,  
Minister for Social Protection.

EXPLANATORY NOTE

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

Section 3 of the Social Welfare Act 2011 abolishes entitlement to Disablement Benefit where the loss of faculty is less than 15%, with effect from 1 January 2012. Existing recipients of Disablement Benefit who have qualified for payment before 1 January 2012 on the basis of assessments of less than 15% will be protected.

These Regulations make consequential changes in relation to the rates of weekly pension or once-off gratuities payable under the Disablement Benefit scheme.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

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