



STATUTORY INSTRUMENTS.

S.I. No. 244 of 2013

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 4) (JOBSEEKER'S ALLOWANCE
TRANSITION) REGULATIONS 2013

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 4) (JOBSEEKER'S ALLOWANCE TRANSITION) REGULATIONS 2013

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4, 141(7), 242 and 247 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (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 by section 148A of the Social Welfare Consolidation Act 2005 (inserted by section 10 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (No. 20 of 2013)), 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 Allowance Transition) Regulations 2013.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013.

Definition.

2. In these Regulations "Principal Regulations" means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007).

Commencement.

3. These Regulations come into operation on 4 July 2013.

Day of unemployment.

4. Article 117 of the Principal Regulations is amended by substituting "Other than in the case of a person to whom section 148A applies, for the purposes of Chapter 2 of Part 3," for "For the purposes of Chapter 2 of Part 3,".

Prescribed manner for making declaration under section 148A.

5. The Principal Regulations are amended by inserting the following article after article 118:

"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—

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 9th July, 2013.

- (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.”.

Time of payment.

6. Article 196 of the Principal Regulations is amended—

(a) in sub-article (1)—

- (i) in paragraph (a), by substituting “jobseeker’s allowance (other than jobseeker’s allowance payable to a person to whom section 148A applies),” for “jobseeker’s allowance,” and
- (ii) in paragraph (b), by substituting “prisoner’s wife’s allowance by virtue of section 178, jobseeker’s allowance payable to a person to whom section 148A applies,” for “prisoner’s wife’s allowance by virtue of section 178,”

and

- (b) in sub-article (5) by substituting “Other than in the case of jobseeker’s allowance payable to a person to whom section 148A applies and notwithstanding section 141(1),” for “Notwithstanding section 141(1)”.

Payment of one-parent family payment with jobseeker’s allowance.

7. The Principal Regulations are amended by inserting the following article after article 222:

“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'—

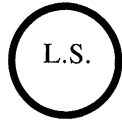
- (a) in respect of—

- (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.”.



GIVEN under my Official Seal,
4 July 2013.

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 10 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 provides for amendments to the Jobseeker's Allowance scheme to cater for the transition of persons to that scheme who no longer qualify for One-Parent Family Payment due to their youngest child reaching specified age thresholds (to be known as Jobseeker's Allowance Transition).

These Regulations provide for a number of amendments to the provisions relating to Jobseeker's Allowance contained in the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 as a consequence of the amendments provided for in section 10 of the 2013 Act.

In particular, these Regulations—

- (a) prescribe the manner in which declarations are to be made for the purposes of entitlement to Jobseeker's Allowance Transition,
- (b) provide for the time of payment of Jobseeker's Allowance Transition, i.e. weekly in advance on Thursdays, and
- (c) enable One-Parent Family Payment and Jobseeker's Allowance to be paid concurrently at the end of a One-Parent Family Payment claim so that continuity of payment is maintained.

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