



STATUTORY INSTRUMENTS.

S.I. No. 523 of 2017



SOCIAL WELFARE (TEMPORARY PROVISIONS) REGULATIONS
2017

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2017

I, REGINA DOHERTY, Minister for Employment Affairs and Social Protection, in exercise of the powers conferred on me by section 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), and by section 292 (amended by section 24 of the Social Welfare (Miscellaneous Provisions) Act 2010 (No. 28 of 2010)) of the Social Welfare Consolidation Act 2005, with the consent of the Minister for Public Expenditure and Reform, hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Social Welfare (Temporary Provisions) Regulations 2017.

Definitions

2. In these Regulations—

“Principal Act” means the Social Welfare Consolidation Act 2005;

“relevant week” means—

- (a) in relation to partial capacity benefit or back to work family dividend, the period commencing on 20 November 2017 and expiring on 26 November 2017,
- (b) in relation to jobseeker’s allowance payable in accordance with section 142(1)(a) of the Principal Act (other than jobseeker’s allowance payable in accordance with section 148A of the Principal Act), jobseeker’s allowance payable in accordance with section 142A or 142B of the Principal Act where the claimant is a person to whom section 142(1)(a)(i) of the Principal Act would otherwise apply, pre-retirement allowance or farm assist, the period commencing on 22 November 2017 and expiring on 28 November 2017,
- (c) in relation to disability allowance, the period commencing on 29 November 2017 and expiring on 5 December 2017,
- (d) in relation to carer’s benefit, invalidity pension, one-parent family payment (other than one-parent family payment payable in respect of a widow, a widower or a surviving civil partner), jobseeker’s allowance payable in accordance with section 148A of the Principal Act, a relevant payment under section 178(1) of the Principal Act or carer’s

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 28th November, 2017.

allowance, the period commencing on 30 November 2017 and expiring on 6 December 2017, and

- (e) in relation to disablement pension, death benefit payable in accordance with Chapter 13 (other than section 84) of the Principal Act, State pension (contributory), widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, guardian's payment (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) or one-parent family payment in respect of a widow, a widower or a surviving civil partner, the period commencing on 1 December 2017 and expiring on 7 December 2017.

Temporary variation of rates of certain social welfare payments

3. (1) This article applies to a person who is, or becomes, entitled to—

- (a) a payment specified in article 4 of these Regulations in respect of the relevant week,

or

- (b) domiciliary care allowance in respect of the period commencing on 1 December 2017 and expiring on 31 December 2017.

(2) In the case of a person to whom sub-article (1)(a) of this article applies, the amount of any such payment specified in article 4 of these Regulations (including any increase in that payment) payable to that person in respect of the relevant week shall be increased by 85 per cent.

(3) In the case of a person to whom sub-article (1)(b) of this article applies, the amount of any domiciliary care allowance payable to that person in respect of the period commencing on 1 December 2017 and expiring on 31 December 2017 shall be increased in accordance with the following formula—

$$[(A \times 12) \div 52.18] \times 85\%$$

where A is the amount of any domiciliary care allowance payable to that person in respect of the period commencing on 1 December 2017 and expiring on 31 December 2017.

(4) Subject to sub-article (5) of this article, a person shall not be entitled to an increase in accordance with sub-article (2) of this article in respect of more than one payment specified in article 4 of these Regulations.

(5) An increase in accordance with sub-article (2) of this article in respect of more than one payment specified in article 4 of these Regulations may be payable where that person is entitled to be paid more than one of the said specified payments in respect of the same period by virtue of—

- (a) section 186A of the Principal Act,
- (b) section 247(3A) of the Principal Act, or
- (c) regulations made under section 247(4) of the Principal Act.

Specified payments

4. The following payments are specified for the purposes of article 3(1)(a) of these Regulations—

- (a) partial capacity benefit;
- (b) disablement pension;
- (c) death benefit payable in accordance with Chapter 13 (other than section 84) of the Principal Act;
- (d) carer's benefit;
- (e) State pension (contributory);
- (f) invalidity pension;
- (g) widow's (contributory) pension;
- (h) widower's (contributory) pension;
- (i) surviving civil partner's (contributory) pension;
- (j) guardian's payment (contributory);
- (k) jobseeker's allowance payable in accordance with section 142(1)(a) of the Principal Act;
- (l) jobseeker's allowance payable in accordance with section 142A or 142B of the Principal Act where the claimant is a person to whom section 142(1)(a)(i) of the Principal Act would otherwise apply;
- (m) jobseeker's allowance payable in accordance with section 148A of the Principal Act;
- (n) pre-retirement allowance;
- (o) State pension (non-contributory);
- (p) blind pension;
- (q) widow's (non-contributory) pension;
- (r) widower's (non-contributory) pension;
- (s) surviving civil partner's (non-contributory) pension;

- (t) guardian's payment (non-contributory);
- (u) one-parent family payment;
- (v) a relevant payment within the meaning of section 178 of the Principal Act;
- (w) carer's allowance;
- (x) disability allowance;
- (y) farm assist;
- (z) back to work family dividend.

Minimum payment and rounding

5. (1) Where domiciliary care allowance or a payment specified in article 4 of these Regulations is increased in accordance with article 3 and the amount of such increase is less than €20, the said increase shall be payable at the amount of €20.

(2) Where domiciliary care allowance or a payment specified in article 4 of these Regulations is increased in accordance with article 3 and the amount of such increase is greater than €20 but is not a multiple of 10 cent, the amount of the said increase 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.

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,
20 November 2017.

PASCHAL DONOHOE,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
20 November 2017.

REGINA DOHERTY,
Minister for Employment Affairs and Social Protection.

EXPLANATORY NOTE

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

These Regulations provide for the payment of a bonus to recipients of long-term social welfare payments and to recipients of domiciliary care allowance. The bonus payment is payable in late November or early December 2017, depending on the scheme concerned.

The amount of the bonus in the case of recipients of long-term social welfare payments is 85% of the normal weekly payment payable during the first week in December 2017, subject to a minimum payment of €20. In the case of domiciliary care allowance, the amount of the bonus is 85% of the weekly equivalent of the amount of domiciliary care allowance payable during December 2017, subject to a minimum payment of €20.

The bonus payment applies to recipients of the following long-term social welfare payments—

- (a) partial capacity benefit;
- (b) disablement pension;
- (c) death benefit under the Occupational Injury Benefit scheme payable to widows, widowers, surviving civil partners, orphans and dependant parents;
- (d) carer's benefit;
- (e) State pension (contributory);
- (f) invalidity pension;
- (g) widow's, widower's and surviving civil partner's (contributory) pension;
- (h) guardian's payment (contributory);
- (i) jobseeker's allowance in respect of a continuous period of unemployment of at least 15 months;
- (j) jobseeker's transitional payment;
- (k) pre-retirement allowance;
- (l) State pension (non-contributory);
- (m) blind pension;
- (n) widow's, widower's and surviving civil partner's (non-contributory) pension;

- (*o*) guardian's payment (non-contributory);
- (*p*) one-parent family payment;
- (*q*) deserted wife's benefit and deserted wife's allowance;
- (*r*) carer's allowance;
- (*s*) disability allowance;
- (*t*) farm assist;
- (*u*) back to work family dividend.

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B33130). 285. 11/17. Essentra. Gr 30-15.