



STATUTORY INSTRUMENTS.

S.I. No. 129 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 3) (DOMICILIARY CARE
ALLOWANCE) REGULATIONS 2023

S.I. No. 129 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 3) (DOMICILIARY CARE ALLOWANCE) REGULATIONS 2023

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)), of the Social Welfare Consolidation Act 2005 and 186E(3) 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. 3) (Domiciliary Care Allowance) Regulations 2023.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2023 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2023.

Commencement

2. These Regulations come into operation on 1 January 2023.

Domiciliary care allowance

3. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 are amended—

- (a) in article 140C (amended by article 2 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Domiciliary Care Allowance - Normal Residence of Qualified Child) Regulations 2019 (S.I. No. 11 of 2019)), by the insertion of the following sub-article after sub-article (4):

“(5) Notwithstanding any other provision in this Chapter or the Act, where article 140E applies, a qualified child shall be regarded as normally residing with the qualified person, and the qualified person shall be regarded as providing for the care of the child.”,

and

- (b) by the substitution of the following article for article 140E (amended by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.1) (Domiciliary Care Allowance - Temporary Residence in an Institution) Regulations 2022 (S.I. No. 200 of 2022)):

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 24th March, 2023.

“Payment in respect of temporary full-time residence in an institution

140E. For the purpose of section 186E(3) domiciliary care allowance shall be payable in respect of a qualified child for not more than 26 weeks in a 12 month period, where—

- (i) immediately after birth, the qualified child, being a child born on or after 1 January 2023, remains in hospital or is transferred to another hospital for medical or other treatment, or
- (ii) the qualified child is admitted to an institution on a full-time basis for the purpose of receiving medical or other treatment of a temporary nature.”.



GIVEN under my Official Seal,
22 March, 2023.

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.)

Currently, children who remain in care in hospital after birth due to illness or disability are ineligible for Domiciliary Care Allowance.

However, where Domiciliary Care Allowance is already in payment for a child before that child enters hospital for the purpose of receiving temporary medical or other treatment, Domiciliary Care Allowance continues to be payable for up to 26 weeks in a twelve-month period.

Budget 23 provides that in respect of a child (otherwise eligible for domiciliary care allowance) who remains in hospital immediately after birth for medical treatment, Domiciliary Care Allowance will be payable for up to 26 weeks in a twelve-month period. These Regulations provide for such cases where the child is born on or after 1 January 2023.

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