



STATUTORY INSTRUMENTS.

S.I. No. 424 of 2025

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 6) (PERSONS UNABLE TO MANAGE
FINANCIAL AFFAIRS AND BEREAVED PARTNER'S PENSION)
REGULATIONS 2025

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I, DARA CALLEARY, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (amended by section 14 and reference 1 of the Schedule to the Social Welfare (Miscellaneous Provisions) Act 2024 (No. 24 of 2024)), section 242(1), section 244, section 249, section 251(6) and section 290 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. 6) (Persons Unable to Manage Financial Affairs and Bereaved Partner's Pension) Regulations 2025.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2025 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2025.

Definitions

2. In these Regulations—

“Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007);

“Regulations of 2025” means the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Bereaved Partner's Pension) Regulations 2025 (S.I. No. 376 of 2025).

Persons unable to manage financial affairs

3. The Principal Regulations are amended—

(a) in article 202—

(i) in sub-article (1), by the substitution of “sub-articles (6) and (6A)” for “sub-article (6)”,

(ii) in sub-article (2)—

(I) by the substitution of “shall be considered” for “is deemed”,

(II) by the substitution of the following paragraphs for paragraphs (a), (b), (c) and (d):

- “(a) an inability to understand the information relevant to possible entitlements to benefit;
 - (b) an inability to retain information long enough to make voluntary choices relevant to possible entitlements to benefit;
 - (c) an inability to use or weigh relevant information as part of the process of making any decision necessary to manage any benefit payments received;
 - (d) an inability to communicate any decision or respond to correspondence or enquiries concerning the claim or benefit (whether by talking, writing, using sign language, assistive technology, or any other means) or, if the communication of the decision or response requires the act of a third party, to communicate by any means with that third party.”,
- (iii) in sub-article (3), by the substitution of “sub-articles (6) and (6A)” for “sub-article (6)”,
- (iv) in sub-article (6)(b) by the insertion of “, appointed in accordance with the Powers of Attorney Act 1996 (No. 12 of 1996), or as the case may be, the Assisted Decision-Making (Capacity) Act 2015 (No. 64 of 2015),” after “under an enduring power of attorney”,
- (v) by the insertion of the following sub-article after sub-article (6):
- “(6A) This article does not apply to a claimant or beneficiary within the meaning of sub-article (1)(b) in respect of whom notice of any of the following has been made to the Minister:
- (a) a decision-making representative has been appointed under the Assisted Decision-Making (Capacity) Act 2015 in respect of the claimant or beneficiary and in respect of the management of social welfare matters concerning him or her within the meaning of paragraph (k) of the definition of “property and affairs” in section 2(1) of the aforementioned Act of 2015;
 - (b) a decision-making assistant has been appointed by the claimant or beneficiary under a decision-making assistance agreement in accordance with the Assisted Decision-Making (Capacity) Act 2015;
 - (c) a co-decision-maker has been appointed by the claimant or beneficiary under a co-decision-making agreement in accordance with the

Assisted Decision-Making (Capacity) Act
2015.”,

and

(vi) by the substitution of the following article for article (7):

“(7) An appointment made under sub-article (3) or (4) shall terminate on the day on which the Minister receives notice that—

- (a) a Committee of the estate of the claimant or beneficiary has been appointed,
- (b) a decision-making representative has been appointed under the Assisted Decision-Making (Capacity) Act 2015 in respect of the claimant or beneficiary and in respect of the management of social welfare matters concerning him or her within the meaning of paragraph (k) of the definition of “property and affairs” in section 2(1) of the aforementioned Act of 2015,
- (c) a decision-making assistant has been appointed by the claimant or beneficiary under a decision-making assistance agreement in accordance with the Assisted Decision-Making (Capacity) Act 2015, or
- (d) a co-decision-maker has been appointed by the claimant or beneficiary under a co-decision-making agreement in accordance with the Assisted Decision-Making (Capacity) Act 2015.”,

(b) in article 202A(1), by the substitution of “he or she shall act at all times in good faith and for the benefit of” for “he or she shall have a duty to act in the best interests of”,

and

(c) in article 209, by the substitution of “article 188(1), 201(7) or 202A” for “article 188(1), 198(3), 201(3) or 202A”.

Corrections to Bereaved Partner’s Pension Regulations

4. (1) The Principal Regulations are amended—

- (a) in article 196(1)(b) (amended by article 3(e) in Schedule Item 1 of the Regulations of 2025) by the insertion of “)” after “bereaved partner”,
- (b) in article 196(1)(c) (amended by article 3(e) in Schedule Item 2 of the Regulations of 2025)—
 - (i) by the substitution of “bereaved partner’s (non-contributory) pension,” for “widow’s (non-contributory) pension, widower’s (non-contributory) pension, surviving civil partner’s (non-contributory) pension,” and

- (ii) by the substitution of “bereaved partner,” for “widow, a widower or a surviving civil partner,”
- and
- (c) in article 201(1) (amended by article 3(e) in Schedule Item 3 of the Regulations of 2025)—
 - (i) by the insertion of “,” after paragraph (g) and
 - (ii) by the insertion of “,” after paragraph (j).
- (2) The Regulations of 2025 are amended—
 - (a) in Item 5 of the Schedule by the substitution of “217” for “217(1)”,
- and
- (b) in Item 12 of the Schedule by the substitution of “232” for “232(1)”.



GIVEN under my Official Seal,
9 September, 2025.

DARA CALLEARY,
Minister for Social Protection.

EXPLANATORY NOTE

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

Article 202 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 provides for the appointment of an agent to act on behalf of a person and to receive social welfare payments on their behalf in circumstances where the claimant or beneficiary is unable for the time being to manage their financial affairs. Generally, this will be a family member of the person concerned.

Sub-article (6) provides that article 202 will not apply and that an agent will not be appointed where there is an enduring power of attorney in place in respect of the claimant or beneficiary, while sub-article (7) provides for the circumstances whereby any agency created in accordance with article 202 ceases.

Article 202A of the Regulations provides that an agent appointed in accordance with article 202 must act in the best interests of the claimant or beneficiary.

These Regulations update article 202 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to add additional circumstances where article 202 will not apply. The circumstances are those where in accordance with the Assisted Decision-Making (Capacity) Act 2015 –

- a decision-making representative is appointed on behalf of a person by a court, or
- the person concerned has a decision-making assistance agreement in place, or
- the person concerned has a co-decision-making agreement in place.

In the event of the Minister being notified of the creation of one of the listed options for a person, in circumstances where an agent is already in place, that agency ceases on notification of the Minister.

These Regulations also amend article 202A to emphasise that an agent appointed under article 202 must at all times act in good faith and for the benefit of the person concerned.

In addition, Article 4 of these Regulations contains amendments to correct drafting errors in the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Bereaved Partner's Pension) Regulations 2025 (S.I. No: 376 of 2025).

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