



STATUTORY INSTRUMENTS.

**S.I. No. 573 of 2012**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 12) (REDUCED RATES)  
REGULATIONS 2012

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CONTROL) (AMENDMENT) (NO. 12) (REDUCED RATES)  
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I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 3(1)(f), 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)), 109(8A) (inserted by section 4 of the Social Welfare Act 2012 (No. 43 of 2012), 109(9), 109(15), 115(6) (amended by section 9 of the Social Welfare Act 2012) and 115(8) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) and by sections 109(8) and 109(14) (amended by section 4 of the Social Welfare Act 2012) and by sections 115(5), 115(7) and 297 of the Social Welfare Consolidation Act 2005, with the consent of the Minister for Public Expenditure and Reform, 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. 12) (Reduced Rates) Regulations 2012.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2012 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2012.

*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 2012” means the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012 (S.I. No. 321 of 2012).

*Commencement.*

3. These Regulations come into operation on 1 January 2013.

*Partial satisfaction of contribution conditions for State pension (contributory) where person attains pensionable age on or after 1 September 2012.*

4. Article 62 (amended by article 9 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 8th January, 2013.*

Amendments) Regulations 2012 (S.I. No. 447 of 2012)) of the Principal Regulations is amended by substituting the following sub-articles for sub-articles (1) and (2):

“(1) Subject to sub-article (2), where a person attains pensionable age on or after 1 September 2012 and would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall, where that person’s yearly average is not less than 10, be entitled to State pension (contributory) at a rate determined in accordance with this article.

(2) For the purposes of this article, where a person has a yearly average of less than 20, but not less than 10 and that person has attained pensionable age—

- (a) on or after 1 September 2012, but before 1 January 2013, he or she is required to have qualifying contributions in respect of not less than 260 contribution weeks since entry into insurance, or
- (b) on or after 1 January 2013, he or she is required to have qualifying contributions in respect of not less than 520 contribution weeks since entry into insurance.”.

*Special partial State pension (contributory) where person attains pensionable age on or after 1 September 2012.*

5. The Principal Regulations are amended by the deletion of article 65 (inserted by article 7 of the Regulations of 2012).

*Partial satisfaction of contribution conditions for State pension (transition) where person attains 65 years of age on or after 1 January 2013.*

6. The Principal Regulations are amended by substituting the following article after article 70:

“70A. (1) Where a person attains the age of 65 years on or after 1 January 2013 and would be entitled to State pension (transition) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall, where the person’s yearly average is not less than 24, be entitled to State pension (transition) at a rate determined in accordance with this article.

(2) In the case of a person to whom sub-article (1) applies, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 10 to these Regulations, the pension shall be payable at the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person.

(3) In the case of a person to whom sub-article (2) applies, any increase payable under section 117(1) shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in column (3) of Schedule 10 opposite the relevant band of numbers in column

(1) of that Schedule that corresponds to the yearly average for that person, and

- (b) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in column (4) of Schedule 10 opposite to the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person.

(4) In the case of a person to whom sub-article (2) applies, any increase payable in accordance with section 297 shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 2 to these Regulations, at the weekly rate set out—

(i) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 40,

(ii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30, and

(iii) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 24,

and

- (b) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 3 to these Regulations, at the weekly rate set out—

(i) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 40,

(ii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30, and

- (iii) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 24.”.

*State pension (transition) — amendments.*

7. The Principal Regulations are amended—

- (a) in article 10 (amended by article 4 of the Regulations of 2012) by substituting “Subject to articles 62, 62A, 62B, 65, 65A, 65B, 70A, 71 and 71A,” for “Subject to articles 62, 62A, 62B, 65, 65A, 65B, 71 and 71A,”,
- (b) in article 71(1) (amended by article 9 of the Regulations of 2012) by substituting “on or after 1 September 2012, but before 1 January 2013” for “on or after 1 September 2012”,
- (c) in article 72(b) (amended by article 11 of the Regulations of 2012) by substituting “article 70A, 71 or 71A” for “article 71 or 71A”,
- (d) in Schedule 2 (amended by article 12 of the Regulations of 2012) in the heading to that Schedule by substituting “Articles 10, 62, 65 and 70A” for “Articles 10, 62 and 65”,
- (e) in Schedule 3 (amended by article 12 of the Regulations of 2012) in the heading to that Schedule by substituting “Articles 10, 62, 65 and 70A” for “Articles 10, 62 and 65”, and
- (f) by substituting the Schedule set out in the Schedule to these Regulations for Schedule 10.

*Calculation of yearly average and alternative yearly average for pension purposes.*

8. Part 2 of the Principal Regulations is amended—

- (a) in article 59—
  - (i) by deleting the definition of “alternative yearly average”, and
  - (ii) by substituting the following definition for the definition of “yearly average”:
 

“‘yearly average’ has the meaning assigned to it by section 108(2).”,
- (b) by deleting article 66,
- (c) in article 68—
  - (i) by deleting the definition of “alternative yearly average”, and
  - (ii) by substituting the following definition for the definition of “yearly average”:

“‘yearly average’ has the meaning assigned to it by section 108(2).”,

(d) by deleting article 74,

(e) in article 81(2), by deleting “,fractions of whole numbers being disregarded,”,

(f) by deleting article 83,

(g) in article 84, by substituting the following definition for the definition of “yearly average”:

“‘yearly average’ has the meaning assigned to it by section 178A(3A).”,

(h) in article 88(2), by deleting “,fractions of whole numbers being disregarded,”, and

(i) by deleting article 90.

## SCHEDULE

## “SCHEDULE 10

*Articles 70A and 71*

Reduced rates of State Pension (Transition) where contribution conditions are partially satisfied and where person attains 65 years of age on or after 1 September 2012

Yearly Average (1)	Weekly Rate (2)	Increase for Qualified Adult who has not attained pensionable age (3)	Increase for Qualified Adult who has attained pensionable age (4)
	€	€	€
Less than 48, but not less than 40	225.80	146.00	196.00
Less than 40, but not less than 30	207.00	139.00	186.00
Less than 30, but not less than 24	196.00	130.00	175.00

”.

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



GIVEN under my Official Seal,  
24 December 2012.

BRENDAN HOWLIN,  
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,  
24 December 2012.

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 2012 amends the definitions of the terms “yearly average” and “alternative yearly average”, which are contained in the Social Welfare Consolidation Act 2005 and which are used for contributory pension purposes, so as to provide that the amounts so calculated will be rounded to the nearest whole number. As these rounding provisions are currently contained in the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, these Regulations make consequential amendments to the 2007 Regulations so as to delete these rounding provisions.

These Regulations also amend the provisions relating to the payment of reduced rates of State Pension Contributory and State Pension Transition in the light of the amendments that are provided for in sections 4 and 9 of the Social Welfare Act 2012.

Following the increase in the minimum number of qualifying contributions required to qualify for the State Pension Contributory from 260 to 520, with effect from 6 April 2012, these Regulations apply this increased contribution requirement in the case of reduced rate pensions payable to people who attain 66 years of age on or after 1 January 2013. These Regulations also make a consequential amendment in the case of the special reduced rate pensions available to people who were affected by the operation of the insurable limit that applied in relation to liability for social insurance contributions before 1974. As the reduced rates of pension that are generally available to people who attain 66 years of age on or after 1 September 2012 are the same as the special reduced rates of pension provided for those affected by the insurable limit, these special reduced rates of pension are being abolished in the case of people who attain 66 years of age on or after 1 September 2012.

Section 9 of the Social Welfare Act 2012 amends the provisions relating to the payment of reduced rates of State Pension Transition so as to enable the increases payable in respect of a qualified adult, as well as the personal rates, to be paid at reduced rates where the person has a reduced yearly average. This change applies to people who attain 65 years of age on or after 1 January 2013. These Regulations specify the reduced rates of increases payable in respect of a qualified adult in the case of people who attain 65 years of age on or after 1 January 2013 and who have reduced yearly averages.

Le ceannach ó  
FOILSEACHÁIN RIALTAIS,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
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