



STATUTORY INSTRUMENTS.

S.I. No. 13 of 2017



SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 2) (NOMINATED PERSONS)
REGULATIONS 2017

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 2) (NOMINATED PERSONS)
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I, LEO VARADKAR, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (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 244(1)(a) (amended by section 17 of the Social Welfare Act 2016 (No. 15 of 2016)) 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. 2) (Nominated Persons) Regulations 2017.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2017 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2017.

Nominated persons

2. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) are amended by the substitution of the following article for article 201 (amended by article 2 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Payments to Nominated Persons) Regulations 2015 (S.I. No. 408 of 2015)):

“Nominated persons

201. (1) This article applies to the following payments—

- (a) blind pension,
- (b) deserted wife’s allowance,
- (c) deserted wife’s benefit,
- (d) State pension (contributory),
- (e) State pension (non-contributory),
- (f) disablement benefit,
- (g) widow’s (contributory) pension,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th January, 2017.*

- (h) widower's (contributory) pension,
- (i) surviving civil partner's (contributory) pension,
- (j) widow's (non-contributory) pension,
- (k) widower's (non-contributory) pension,
- (l) surviving civil partner's (non-contributory) pension,
- (m) death benefit payable in accordance with Chapter 13 of the Principal Act,
- (n) carer's allowance,
- (o) disability allowance, and
- (p) invalidity pension.

(2) Subject to this article and to article 201A, where a payment under this article is payable to a person, that person may nominate another person who is over the age of 18 years to receive that payment on his or her behalf.

(3) A nomination under sub-article (2) shall be made—

(a) in respect of a temporary agent, to the payment service provider in the form for the time being approved by the payment service provider for that purpose,

and

(b) in respect of a permanent agent, to the Minister in the form for the time being approved by him or her for that purpose.

(4) A nomination under sub-article (2) shall be subject to the consent of—

(a) the payment service provider in the case of a temporary agent, and

(b) the Minister in the case of a permanent agent.

(5) A nomination under sub-article (2) may be revoked by the person to whom a payment under this article is payable, on giving notice in writing of that fact to, as the case may be, the payment service provider or the Minister.

(6) The payment service provider or the Minister, as the case may be, may withdraw consent to a nomination under sub-article (2) where the payment service provider or the Minister considers that the circumstances so warrant.

(7) A person nominated under sub-article (2) shall pay the person to whom a payment specified under sub-article (1) is payable, the full amount of that payment without deduction of any kind.

(8) In this article—

‘payment service provider’ has the meaning given to it by section 289A of the Principal Act;

‘temporary agent’ means a person who has been nominated, in accordance with sub-article (3), to act as a temporary agent, whose nomination has been consented to by the payment service provider, subject to the number of payments a temporary agent may receive in accordance with this article being limited to 5 in a 6 month period;

‘permanent agent’ means—

- (a) a person who has been nominated, in accordance with sub-article (3), to act as a permanent agent, whose nomination has been consented to by the Minister, and
- (b) a person who, subsequent to ceasing to act as a temporary agent, is nominated, in accordance with sub-article (3), to act as a permanent agent, whose nomination has been consented to by the Minister.”.



GIVEN under my Official Seal,
23 January 2017.

LEO VARADKAR,
Minister for Social Protection.

EXPLANATORY NOTE

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

Section 244(1)(a) of the Social Welfare Consolidation Act 2005 provides that Regulations may be made to enable a person to whom a social welfare benefit is payable to nominate another person (an agent) to collect social welfare payments on his or her behalf. In practice this covers the collection of payments from the payment service provider (An Post) in two scenarios—

- The beneficiary, being indisposed and temporarily unable to attend the post office, nominates another person as their temporary agent to collect the social welfare payment on their behalf,
- The beneficiary nominates another person, on an ongoing basis, as their permanent agent to collect the social welfare payment on their behalf.

Section 17 of the Social Welfare Act 2016 amended section 244(1)(a) of the Social Welfare Consolidation Act 2005 to provide that the nomination of agents is subject to such conditions and in such circumstances as prescribed in Regulations.

These Regulations replace article 201 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007. They distinguish between temporary agents and permanent agents and provide, additionally, that a temporary agent may only collect up to 5 payments in a 6 month period. The Regulations also provide that the use of an agent to collect a social welfare payment on behalf of a beneficiary is limited to certain long-term payments. The Regulations are reflective of the payment arrangements, including the nomination of agents, in place with the Department's payment service provider.

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