



STATUTORY INSTRUMENTS.

**S.I. No. 381 of 2017**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 5) (TREATMENT BENEFIT)  
REGULATIONS 2017

S.I. No. 381 of 2017

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 5) (TREATMENT BENEFIT) REGULATIONS 2017

I, REGINA DOHERTY, 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 138 (amended by section 9 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. 5) (Treatment Benefit) 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.

*Definition*

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

*Treatment benefit*

3. The Principal Regulations are amended—

(a) by the substitution of the following article for article 94—

*“Contribution conditions*

94. (1) Subject to this Chapter, the contribution conditions for entitlement to treatment benefit shall be—

(a) in the case of a claimant who is under the age of 21 years, that he or she has qualifying contributions in respect of not less than 39 contribution weeks between the date of his or her entry into insurance and the relevant date, or

(b) in the case of a claimant who is of or over the age of 21 years and under the age of 25 years—

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 25th August, 2017.*

- (i) that he or she has qualifying contributions in respect of not less than 39 contribution weeks between the date of his or her entry into insurance and the relevant date, and
  - (ii) that he or she has—
    - (I) qualifying contributions or credited contributions in respect of not less than 39 contribution weeks in the relevant contribution year, or
    - (II) qualifying contributions in respect of not less than 26 contribution weeks in both the relevant contribution year and the contribution year immediately before the relevant contribution year, or
- (c) in the case of a claimant who is of or over the age of 25 years—
- (i) that he or she has qualifying contributions in respect of not less than 260 contribution weeks between the date of his or her entry into insurance and the relevant date, and
  - (ii) that he or she has—
    - (I) qualifying contributions or credited contributions in respect of not less than 39 contribution weeks in the relevant contribution year, or
    - (II) qualifying contributions in respect of not less than 26 contribution weeks in both the relevant contribution year and the contribution year immediately before the relevant contribution year.

(2) The contribution conditions contained in sub-paragraph 1(c)(ii) shall not apply in the case of a person who has attained pensionable age before 6 July 1992.

(3) The contribution conditions contained in sub-paragraphs (1)(c)(i) and (1)(c)(ii) requiring the claimant to have qualifying contributions in respect of at least 260 contribution weeks between the date of his or her entry into insurance and the relevant date and qualifying or credited contributions in respect of not less than 39 contribution weeks in the relevant contribution year shall—

- (a) in respect of a person who has attained pensionable age before 1 October 1987, have effect as if “156 contribution weeks” were substituted for “260 contribution weeks”, and
- (b) in respect of a person who has attained pensionable age before 6 July 1992, have effect as if “208 contribution weeks” were substituted for “260 contribution weeks”.

and

(b) by the substitution of the following article for article 98—

*“Continued entitlement over age 60*

98. Where an insured person is or would have been entitled to treatment benefit under this Chapter at any time between the age of 60 and attaining pensionable age, he or she shall thereafter continue throughout his or her life to be so entitled.”.



GIVEN under my Official Seal,  
22 August 2017.

REGINA DOHERTY,  
Minister for Social Protection.

## EXPLANATORY NOTE

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

These Regulations seek to simplify the arrangements governing entitlement to Treatment Benefit.

It has been a requirement of the Treatment Benefit scheme that a claimant should have not less than 39 contributions (paid or credited) in the relevant contribution year, of which at least 13 must be paid contributions. The requirement that 13 must be paid contributions is being abolished in these Regulations.

These Regulations also provide that all claimants are now able to qualify for Treatment Benefit by virtue of having both 26 contributions in the relevant contribution year and 26 contributions in the preceding year — a measure which is designed to enable people who are job-sharing to qualify for the scheme.

Finally, these Regulations provide that where a person qualifies for Treatment Benefit at any age between 60 and pensionable age, he or she will remain qualified for life.

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