



STATUTORY INSTRUMENTS.

S.I. No. 107 of 2018



SOCIAL WELFARE (CONSOLIDATED OCCUPATIONAL INJURIES)
(AMENDMENT) (NO. 1) REGULATIONS 2018

SOCIAL WELFARE (CONSOLIDATED OCCUPATIONAL INJURIES)
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I, REGINA DOHERTY, Minister for Employment Affairs and Social Protection, in exercise of the powers conferred on me by sections 4 (adapted by the Social Protection (Alteration of Name of Department and Title of Minister) Order 2017 (No. 366 of 2017)), 74 (amended by section 7 of the Social Welfare and Pensions Act 2013 (No. 38 of 2013)) and 75 (amended by section 3 of the Social Welfare Act 2011 (No. 37 of 2011)) 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 Occupational Injuries) (Amendment) (No. 1) Regulations 2018.

(2) These Regulations and the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 to 2017 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 to 2018.

Commencement

2. These Regulations come into operation—

(a) in so far as they relate to injury benefit, on 26 March 2018, and

(b) in so far as they relate to disablement pension and disablement gratuity, on 30 March 2018.

Definition

3. In these Regulations “the Principal Regulations” means the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 (S.I. No. 102 of 2007).

Increased rates of benefits and pensions under the occupational injuries scheme

4. The Principal Regulations are amended by—

(a) the substitution of the Schedule set out in Schedule A to these Regulations for Schedule 1 (amended by article 4 the Social Welfare (Consolidated Occupational Injuries) (Amendment) (No. 1) Regulations 2017 (S.I. No 63 of 2017)), and

(b) the substitution of the Schedules set out in Schedule B to these Regulations for Schedule 3 and Schedule 3A (amended by article 4 of the Social Welfare (Consolidated Occupational Injuries) (Amendment) (No. 1) Regulations 2017 (S.I. No 63 of 2017)), subject in respect of the Scales set out in the said Schedule B, to the following provisions—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th April, 2018.*

- (i) the rates of pension specified in columns (3) of the Scales shall have effect on and from 30 March 2018 whether the period taken into account by the assessment began on, before, or after that date, and,
- (ii) the amounts of gratuity specified in columns (2) of the Scales shall be payable only where the period taken into account by the assessment of the degree of disablement began on or after 30 March 2018.

SCHEDULE A

“SCHEDULE 1

Article 7

Weekly Rates of Injury Benefit Payable to Persons under the Age of Sixteen Years

Weekly Rates of Injury Benefit Payable to Persons under the Age of Sixteen Years (1)	Weekly Rate (2)
(a) where the relevant employment or (if more than one) the relevant employments were, or amounted in the aggregate to, full-time employment or substantially full-time employment.....	€ 198.00
(b) in any other case.....	94.70

”.

SCHEDULE B

“SCHEDULE 3

*Articles 9 and 10*Scale of Disablement Gratuities and of Weekly Rates of Pension in Lieu of
Disablement Gratuities

Degree of Disablement (1) Per Cent	Amount of Gratuity (2) €	Weekly Rate of Pension (3) €
1	1,602	2.30
2	2,403	4.60
3	3,204	6.90
4	4,005	9.20
5	4,806	11.50
6	5,607	13.70
7	6,408	16.00
8	7,209	18.30
9	8,010	20.60
10	8,811	22.90
11	9,612	25.20
12	10,413	27.50
13	11,214	29.80
14	12,015	32.10
15	12,816	34.40
16	13,617	36.60
17	14,418	38.90
18	15,219	41.20
19	16,020	43.50

SCHEDULE 3A

*Articles 9 and 10*Scale of Disablement Gratuities and of Weekly Rates of Pension in Lieu of
Disablement Gratuities

Degree of Disablement (1)	Amount of Gratuity (2)	Weekly Rate of Pension (3)
Per Cent	€	€
1-14	Nil	Nil
15	12,816	34.40
16	13,617	36.60
17	14,418	38.90
18	15,219	41.20
19	16,020	43.50

”.



GIVEN under my Official Seal,
26 March 2018.

REGINA DOHERTY,
Minister for Employment Affairs and Social Protection.

EXPLANATORY NOTE

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

Section 12 of, and Schedule 2 to, the Social Welfare Act 2017 provide for an increase in the maximum rate of Injury Benefit payable from 26 March 2018 and for increases in the rates of benefits payable under the Occupational Injuries Benefits scheme from 30 March 2018. Parts 2-3 of Schedule 2 provide for increases to the maximum rate of Disablement Gratuity and the weekly rates of Disablement Pension where the degree of disablement ranges from 100 per cent to 20 per cent.

These Regulations provide for increases in the rate of Disablement Gratuity and the weekly rates of Disablement Pension where the degree of disablement ranges from 1 per cent to 19 per cent. The rates provided for in Schedule 3 apply in respect of a continuing disablement of between 1 and 19 per cent which arose prior to 1 January 2012. Schedule 3A applies where the disablement occurs after 1 January 2012 and in such a case, disablement gratuity and gratuity pension are payable only where the range of disablement is greater than 14 per cent.

The Regulations also provide for an increase in the rate of Injury Benefit payable to persons under the age of sixteen. If, in such a case, there is what amounts to full-time employment, or substantially full-time employment, the rate will increase by €5.00 (from €193.00 to €198.00). This is the same rate as the maximum rate payable to an adult. In all other cases the rate will increase by €2.40 (from €92.30 to €94.70).

The rate increases, provided for by these Regulations, come into effect on 26 March 2018 in the case of Injury Benefit and on 30 March 2018 in the case of Disablement Gratuity and Disablement Pension to coincide with the increases in rates provided for by the Social Welfare Act 2017.

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