



STATUTORY INSTRUMENTS.

S.I. No. 42 of 2019

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 3) (EARNINGS DISREGARD)
REGULATIONS 2019

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 3) (EARNINGS DISREGARD) REGULATIONS 2019

I, REGINA DOHERTY, Minister for Employment Affairs and Social Protection, in exercise of the powers conferred on me by section 4 (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 366 of 2017)), and by Rule 1(2)(b)(viii) of Part 2 and Rule 1(2)(b)(x) of Part 5 of Schedule 3 to 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. 3) (Earnings Disregard) Regulations 2019.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2019 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2019.

Definition

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. 10) (Miscellaneous Amendments) Regulations 2012 (S.I. No. 447 of 2012).

Commencement

3. These Regulations shall have effect from 31 December 2018.

Earnings disregard

4. The Principal Regulations are amended—

- (a) in sub-articles (1), (2) and (3) of article 147 (amended by article 8 of the Regulations of 2012) by the deletion of “of a rehabilitative nature” in each place that it occurs, and
- (b) in sub-articles (1), (2) and (3) of article 150 (amended by article 8 of the Regulations of 2012) by the deletion of “of a rehabilitative nature” in each place that it occurs.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 15th February, 2019.



GIVEN under the Official Seal,
12 February 2019

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 20 of the Social Welfare, Pensions and Civil Registration Act 2018 removed the requirement that the earnings disregard applicable to an assessment of means for Disability Allowance, Blind Pension and Supplementary Welfare Allowance purposes needed to relate to earnings from employment of a rehabilitative nature.

These Regulations amend articles 147 and 150 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, specifying the level of the weekly earnings disregard to be applied in relation to Disability Allowance and Blind Pension, to remove the requirement that the disregard can only be applied to earnings from employment of a rehabilitative nature. The disregard currently amounts to €120 per week.

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