



STATUTORY INSTRUMENTS.

S.I. No. 50 of 2020



SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 1) (PAYMENTS AFTER DEATH)
REGULATIONS 2020

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 1) (PAYMENTS AFTER DEATH) REGULATIONS 2020

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 and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 366 of 2017)), and 248 (amended by section 15 of the Social Welfare (No. 2) Act 2019 (No. 48 of 2019)) 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. 1) (Payments after Death) Regulations 2020.

(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 2020.

Payments after death

2. Article 208 (amended by section 8 of, and Schedule 1 to, the Social Welfare Act 2017) (No. 38 of 2017) of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) is hereby amended—

(a) by the substitution of the following definition for the definition of “related person” in sub-article (1):

‘related person’ means—

(a) the person in respect of whom the deceased beneficiary was receiving an increase in respect of a qualified adult, or in respect of whom such an increase would have been payable but for the receipt by the spouse, civil partner or cohabitant of the deceased beneficiary of a benefit in his or her own right, or

(b) the person entitled to payment of the benefit in accordance with paragraph (b), (c), (d), (e), (ea), (eb), (ec) or (ed) of section 248(2).”

- (b) in sub-article (5), by the substitution of “sub-article” for “paragraph”, and
- (c) by the deletion of sub-article (7).



GIVEN under my Official Seal,
17 February, 2020.

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 15 of the Social Welfare (No. 2) Act 2019 amended section 248 of the Social Welfare Consolidation Act 2005 to affirm that where a beneficiary in receipt of a benefit specified in section 248(1) dies, and that person was one of a couple, in circumstances where the benefit included an increase for a qualified adult, or where the spouse/partner was in receipt of a benefit specified in section 248(1) in their own right, that spouse/partner is the person to whom the deceased beneficiary's benefit will be paid, after their death, for the specified period of time.

Section 15 also provided for the inclusion of Working Family Payment and Back to Work Family Dividend in those benefits whereby in the event of the death of the beneficiary the benefit will be paid, after their death, for a specified period of time.

These Regulations update article 208 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to reflect the amendments made to section 248 of the Social Welfare Consolidation Act.

The regulations also correct a typographical error in sub-article 5 and delete the now unnecessary sub-article (7) in article 208.

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