



STATUTORY INSTRUMENTS.

S.I. No. 557 of 2020



SOCIAL WELFARE (TEMPORARY PROVISIONS) REGULATIONS 2020

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I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (amended by section 5 of the Social Welfare (Covid-19) (Amendment) Act 2020 (No. 12 of 2020)) and 292 (amended by section 8 of and schedule 1 to the Social Welfare Act 2017 (No. 38 of 2017)) of the Social Welfare Consolidation Act 2005 (No.26 of 2005), with the consent of the Minister for Public Expenditure and Reform, hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Social Welfare (Temporary Provisions) Regulations 2020.

Definitions

2. In these Regulations—

“Principal Act” means the Social Welfare Consolidation Act 2005;

“relevant week” means—

- (a) in relation to partial capacity benefit or back to work family dividend, the period commencing on 30 November 2020 and expiring on 5 December 2020,
- (b) in relation to jobseeker’s allowance or farm assist, the period commencing on 2 December 2020 and expiring on 8 December 2020,
- (c) in relation to jobseeker’s benefit, the period commencing on 3 December 2020 and expiring on 9 December 2020,
- (d) in relation to Covid-19 pandemic unemployment payment, the period commencing on 27 November 2020 and expiring on 3 December 2020,
- (e) in relation to disability allowance, the period commencing on 9 December 2020 and expiring on 15 December 2020,
- (f) in relation to carer’s benefit, invalidity pension, one-parent family payment (other than one-parent family payment payable in respect of a widow, a widower or a surviving civil partner), jobseeker’s allowance payable in accordance with section 148A of the Principal Act, a relevant payment under section 178(1) of the Principal Act or carer’s allowance, the period commencing on 10 December 2020 and expiring on 16 December 2020, and
- (g) in relation to disablement pension, death benefit payable in accordance with Chapter 13 (other than section 84) of the Principal Act, State pension (contributory), widow’s

(contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, guardian's payment (contributory), State pension (non-contributory), blind pension, widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension, guardian's payment (non-contributory) or one-parent family payment in respect of a widow, a widower or a surviving civil partner, the period commencing on 11 December 2020 and expiring on 17 December 2020.

Temporary variation of rates of certain social welfare payments

3. (1) This article applies to a person who is, or becomes, entitled to—

- (a) a payment specified in article 4 of these Regulations in respect of the relevant week,
- or
- (b) domiciliary care allowance in respect of the period commencing on 1 December 2020 and expiring on 31 December 2020.

(2) In the case of a person to whom sub-article (1)(a) of this article applies, the amount of any such payment specified in article 4 of these Regulations (including any increase in that payment) payable to that person in respect of the relevant week shall be increased by 100 per cent.

(3) In the case of a person to whom sub-article (1)(b) of this article applies, the amount of any domiciliary care allowance payable to that person in respect of the period commencing on 1 December 2020 and expiring on 31 December 2020 shall be increased in accordance with the following formula—

$$[(A \times 12) \div 52.18] \times 100\%$$

where A is the amount of any domiciliary care allowance payable to that person in respect of the period commencing on 1 December 2020 and expiring on 31 December 2020.

(4) Subject to sub-article (5) of this article, a person shall not be entitled to an increase in accordance with sub-article (2) of this article in respect of more than one payment specified in article 4 of these Regulations.

(5) An increase in accordance with sub-article (2) of this article in respect of more than one payment specified in article 4 of these Regulations may be payable where that person is entitled to be paid more than one of the said specified payments in respect of the same period by virtue of—

- (a) section 186A of the Principal Act,
- (b) section 247(3A) of the Principal Act,
- (c) regulations made under section 247(4) of the Principal Act, or
- (d) regulations made under section 68P of the Principal Act.

Specified payments

4. The following payments are specified for the purposes of article 3(1)(a) of these Regulations—

- (a) partial capacity benefit;
- (b) disablement pension;
- (c) death benefit payable in accordance with Chapter 13 (other than section 84) of the Principal Act;
- (d) carer's benefit;
- (e) State pension (contributory);
- (f) invalidity pension;
- (g) widow's (contributory) pension;
- (h) widower's (contributory) pension;
- (i) surviving civil partner's (contributory) pension;
- (j) guardian's (contributory) payment;
- (k) jobseeker's allowance in the case of a person who in any period of unemployment has been in receipt of jobseeker's benefit, Covid-19 pandemic unemployment payment or jobseeker's allowance in respect of not less than 104 days or 17 weeks of unemployment;
- (l) jobseeker's benefit in the case of a person who in any period of unemployment has been in receipt of jobseeker's benefit, Covid-19 pandemic unemployment payment or jobseeker's allowance in respect of not less than 104 days or 17 weeks of unemployment;
- (m) Covid-19 pandemic unemployment payment in the case of a person who in any period of unemployment has been in receipt of jobseeker's benefit, Covid-19 pandemic unemployment payment or jobseeker's allowance in respect of not less than 104 days or 17 weeks of unemployment on or after 13th March 2020;
- (n) jobseeker's allowance payable in accordance with section 148A of the Principal Act;
- (o) State pension (non-contributory);
- (p) blind pension;
- (q) widow's (non-contributory) pension;
- (r) widower's (non-contributory) pension;
- (s) surviving civil partner's (non-contributory) pension;
- (t) guardian's payment (non-contributory);
- (u) one-parent family payment;
- (v) a relevant payment within the meaning of section 178 of the Principal Act;
- (w) carer's allowance;
- (x) disability allowance;
- (y) farm assist;
- (z) back to work family dividend.

Minimum payment and rounding

5. (1) Where domiciliary care allowance or a payment specified in article 4 of these Regulations is increased in accordance with article 3 and the amount of

such increase is less than €20, the said increase shall be payable at the amount of €20.

(2) Where domiciliary care allowance or a payment specified in article 4 of these Regulations is increased in accordance with article 3 and the amount of such increase is greater than €20 but is not a multiple of 10 cent, the amount of the said increase shall be rounded up to the nearest 10 cent where it is a multiple of 5 cent but not also a multiple of 10 cent and shall be rounded to the nearest 10 cent where it is not a multiple of 5 cent or 10 cent.

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,
26 November, 2020.

MICHAEL MCGRATH,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
26 November, 2020.

HEATHER HUMPHREYS,
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 provide for the payment of a bonus to recipients of social welfare payments and to recipients of domiciliary care allowance during the month of December 2020.

The amount of the bonus in the case of recipients of social welfare payments is 100% of the normal weekly payment payable during the first week in December 2020, subject to a minimum payment of €20. In the case of domiciliary care allowance, the amount of the bonus is 100% of the weekly equivalent of the amount of domiciliary care allowance payable during December 2020, subject to a minimum payment of €20.

The bonus payment applies to recipients of the following social welfare payments—

- (a) partial capacity benefit;
- (b) disablement pension;
- (c) death benefit under the Occupational Injury Benefit scheme payable to widows, widowers, surviving civil partners, orphans and dependant parents;
- (d) carer's benefit;
- (e) State pension (contributory);
- (f) invalidity pension;
- (g) widow's, widower's and surviving civil partner's (contributory) pension;
- (h) guardian's (contributory) payment;
- (i) jobseeker's allowance in the case of a person who in any period of unemployment has been in receipt of jobseeker's benefit, Covid-19 pandemic unemployment payment or jobseeker's allowance in respect of not less than 104 days or 17 weeks of unemployment;
- (j) jobseeker's benefit in the case of a person who in any period of unemployment has been in receipt of jobseeker's benefit, Covid-19 pandemic unemployment payment or jobseeker's allowance in respect of not less than 104 days or 17 weeks of unemployment;
- (k) Covid-19 pandemic unemployment payment in the case of a person who in any period of unemployment has been in receipt of jobseeker's benefit, Covid-19 pandemic unemployment payment or jobseeker's allowance in respect of not less than 104 days or 17 weeks of unemployment on or after 13th March 2020;
- (l) jobseeker's transitional payment;
- (m) State pension (non-contributory);
- (n) blind pension;

- (o) widow's, widower's and surviving civil partner's (non-contributory) pension;
- (p) guardian's payment (non-contributory);
- (q) one-parent family payment;
- (r) deserted wife's benefit, and deserted wife's allowance;
- (s) carer's allowance;
- (t) disability allowance;
- (u) farm assist;
- (v) back to work family dividend.

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