



STATUTORY INSTRUMENTS.

S.I. No. 574 of 2020

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 17) (PERSONS REGARDED AS
GENUINELY SEEKING EMPLOYMENT) REGULATIONS 2020

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 17) (PERSONS REGARDED AS GENUINELY SEEKING EMPLOYMENT) REGULATIONS 2020

I, HEATHER HUMPHREYS, Minister for Social Protection, having regard to the continuing risks to public health arising from COVID-19 and the consequent impact on employers and employees, and having regard to the matters specified in subsection (2) of section 68P (inserted by section 11 of the Social Welfare (Covid-19) (Amendment) Act 2020 (No. 12 of 2020)) and in exercise of the powers conferred on me by sections 4 (as adapted by the Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No.447 of 2020)) and 68P(1) 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 and construction

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 17) (Persons regarded as genuinely seeking employment) Regulations 2020.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2020 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2020.

Persons regarded as genuinely seeking employment

2. Article 16 (amended by article 7 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019 (S.I. No. 551 of 2019)) of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) is amended—

(a) in sub-article (1) by the substitution of “, 12A and 12B” for “and 12A”,

(b) in sub-article (4) by the substitution of “Subject to sub-article (4A), in” for “In”,

(c) By the insertion of the following sub-articles after sub-article (4):

“(4A) In addition to the factors specified in sub-article (4) in the case of a person in receipt of Covid-19 pandemic unemployment payment, due regard shall also be had to the factors specified in paragraphs (a) and (b) of this sub-article in determining whether, in a relevant period, that person has taken steps which are reasonable in his or her case —

- (a) his or her normal occupation immediately prior to the onset of Covid-19 was an occupation where, due to ongoing public health restrictions related to Covid-19, the opportunity to work in that occupation is temporarily curtailed and where that person has a reasonable expectation of employment in that occupation within a period of 12 months from the date on which they first claimed Covid-19 pandemic unemployment payment, or
- (b) he or she has a reasonable expectation that he or she will return to their previous employment within 12 months of first claiming the Covid-19 pandemic unemployment payment.

(4B)(1) Where the circumstances specified in paragraph (a) of sub-article (4A) apply, a person shall not be required to seek employment outside of that occupation for the period during which they are in receipt of Covid-19 pandemic unemployment payment.

(2) Where the circumstances specified in paragraph (b) of sub-article (4A) apply, a person shall not be required to seek employment where he or she has a reasonable expectation of returning to their previous employment.”,

and

- (d) in sub-article (5) by the substitution of “118, or as the case may be, the period in which Covid-19 pandemic unemployment payment is claimed in accordance with section 68L of the Act.” for “118.”.

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



GIVEN under my Official Seal,
19 November, 2020.

MICHAEL MCGRATH,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
30 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 confirm that where due to the ongoing public health restrictions related to Covid-19 -

- a person's opportunity to work in their normal occupation is temporarily limited and they have a reasonable expectation of returning to that occupation, or
- a person has a reasonable expectation of returning to their former employment,

that person will not be required to seek employment outside that occupation or employment for the period of 12 months from first claiming the Covid-19 Pandemic Unemployment Payment.

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