



STATUTORY INSTRUMENTS.

S.I. No. 601 of 2011



SOCIAL WELFARE (CONSOLIDATED OCCUPATIONAL INJURIES)
(AMENDMENT) (CIVIL PARTNERSHIP) REGULATIONS 2011

(Prn. A11/2129)

SOCIAL WELFARE (CONSOLIDATED OCCUPATIONAL INJURIES)
(AMENDMENT) (CIVIL PARTNERSHIP) REGULATIONS 2011

I, JOAN BURTON, Minister for Social Protection in exercise of the powers conferred on me by sections 4, 84, 241(1), 242, 244 and 249 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 186 of 2010)), hereby make the following Regulations:

Citation.

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Occupational Injuries) (Amendment) (Civil Partnership) Regulations 2011.

(2) These Regulations and the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 to 2010 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 to 2011.

Definition.

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

Amendment to article 3 of Principal Regulations.

3. Article 3 of the Principal Regulations is amended by inserting the following definition:

“‘spouse’ has the meaning assigned to it in section 3(10).”.

Disqualification or suspension of payment during imprisonment or detention in legal custody.

4. Chapter 9 of the Principal Regulations is amended—

(a) in the manner specified in the Schedule to these Regulations, and

(b) in article 72(3) by substituting the following paragraph for paragraph (a):

“(a) for receiving disablement benefit by way of gratuity, death benefit by way of orphan’s pension or funeral grant,”.

Claims and payments arrangements for funeral grants.

5. Article 74 of the Principal Regulations is amended by substituting the following sub-articles for sub-articles (2) to (4):

“(2) A claim for funeral grant may be made by—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 25th November, 2011.*

- (a) the personal representative of the deceased, or
- (b) where there is no personal representative—
 - (i) the spouse, civil partner or cohabitant of the deceased,
 - (ii) any of the next-of-kin of the deceased, or
 - (iii) any other person claiming to be entitled thereto.
- (3) In any case where—
 - (a) the deceased dies intestate, or
 - (b) there is no known spouse, civil partner, cohabitant or next-of-kin of the deceased,

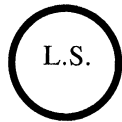
and the funeral expenses amount to less than the amount specified at reference 2 in column (1) of Part 2 of Schedule 2 to the Principal Act, the reference therein to the amount of death benefit payable by way of grant shall be construed as a reference to the amount of the funeral expenses.

(4) Any sum payable in respect of a funeral grant may be paid, without probate or other proof of title of the personal representative of the deceased, by the Minister to such person as appears to him or her to be entitled thereto as being beneficially entitled thereto under any testamentary instrument or as spouse, civil partner, cohabitant or next-of-kin of the deceased, or as being a creditor of the deceased person.”.

SCHEDULE

AMENDMENTS TO PRINCIPAL REGULATIONS

Provision affected (1)	Amendment (2)
Articles 72(2)(a), 72(2)(b), 72(3), 72(5)(a) and 73(1)	Delete "penal servitude," in each place where it occurs.



GIVEN under my Official Seal,
21 November 2011.

JOAN BURTON,
Minister for Social Protection.

EXPLANATORY NOTE

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

Following the enactment of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act in July 2010, the Social Welfare and Pensions Act 2010 provided for a range of amendments to the Social Welfare Consolidation Act 2005 to comply with the new civil partnership legislation. These amendments to the Social Welfare Consolidation Act took effect from 1 January 2011.

These Regulations make the necessary amendments to the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 to ensure compliance with the civil partnership legislation by extending to civil partners, and to cohabitants in certain circumstances, the various rights and obligations that currently apply to spouses.

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