



STATUTORY INSTRUMENTS.

**S.I. No. 102 of 2012**



SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 3) (CLAIMS) REGULATIONS 2012

**(Prn. A12/0564)**

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 3) (CLAIMS) REGULATIONS 2012

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), and by section 241 of that Act, 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. 3) (Claims) Regulations 2012.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2012 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2012.

*Definition.*

2. In these Regulations “Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007).

*Commencement.*

3. These Regulations come into operation—

- (a) in so far as they relate to any claim for State pension (transition) made on or after 5 April 2012,
- (b) in so far as they relate to any claim for State pension (contributory), widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension and guardian’s payment (contributory) made on or after 6 April 2012, and
- (c) in so far as they relate to any claim for domiciliary care allowance made on or after the commencement of these Regulations.

*Prescribed time for making claim for domiciliary care allowance.*

4. Article 182 of the Principal Regulations is amended by substituting the following paragraphs for paragraph (b) (amended by article 4 of the Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009 (S.I. No. 162 of 2009):

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 6th April, 2012.*

“(b) in the case of jobseeker’s benefit, jobseeker’s allowance, pre-retirement allowance, State pension (non-contributory), blind pension, carer’s allowance and farm assist, the day in respect of which the claim is made,

(ba) in the case of domiciliary care allowance, the day on which, apart from satisfying the condition of making a claim, the claimant becomes a qualified person within the meaning of section 186D,”.

*Late claims.*

5. The Principal Regulations are amended—

(a) by deleting articles 185 and 187,

(b) in article 186, by—

(i) substituting the following sub-article for sub-article (1):

“(1) Where a claim in respect of any benefit is made in respect of any period which is greater than that allowed under section 241(2), the period in respect of which payment may be made before the date on which the claim is made shall be extended to a period calculated in accordance with this article, where it is shown to the satisfaction of a deciding officer or an appeals officer that the person was entitled to the benefit.”,

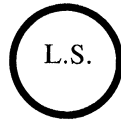
and

(ii) deleting sub-articles (5), (6) and (7),

and

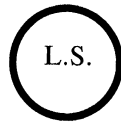
(c) by deleting Schedule 15.

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



GIVEN under my Official Seal,  
30 March 2012.

BRENDAN HOWLIN,  
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,  
2 April 2012.

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.)*

Section 241 of the 2005 Consolidation Act sets out the time and manner in which claims for various social welfare payments are to be made. Subsection (2) of section 241 further provides that where a person fails to make a claim for a social welfare payment within a prescribed time, then he or she will be disqualified for receiving payment for more than a specified period before such claim is made. Different periods are specified according to the nature of the different social welfare payment schemes.

In the case of long-term contributory pensions such as the State pension (contributory), the State pension (transition), the widow/er's and surviving civil partner's (contributory) pension schemes and the guardian's payment (contributory), payment was allowed to be backdated for up to 12 months before the claim was made.

These Regulations provide for limiting the period for backdating such payments to 6 months. Article 3 provides that the new backdating provisions will apply to claims for State Pension Transition made on or after 5 April 2012, and for claims for the other relevant pensions and payments made on or after 6 April 2012.

These Regulations also provide for a minor technical amendment to the provision relating to the prescribed time for making a claim for domiciliary care allowance with effect from the commencement of these Regulations.

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