



STATUTORY INSTRUMENTS.

**S.I. No. 540 of 2022**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 13) (WEEKS NOT TO BE TREATED  
AS WEEKS OF UNEMPLOYMENT) REGULATIONS 2022

S.I. No. 540 of 2022

**SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 13) (WEEKS NOT TO BE TREATED AS WEEKS OF UNEMPLOYMENT) REGULATIONS 2022**

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (as adapted by the Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 447 of 2020)), and 68C(2) 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. 13) (Weeks Not to be Treated as Weeks of Unemployment) Regulations 2022.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2022 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2022.

**Weeks not to be treated as weeks of unemployment**

2. Article 52A (inserted by Art. 4 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 is amended by the insertion of the following sub-article after sub-article (1):

“(1A) For the purposes of this article and Chapter 12A of Part 2, and notwithstanding the provisions of sub-article (1)(a), any week, where a person is a self-employed contributor solely in respect of reckonable income or reckonable emoluments arising from an approved retirement fund, as defined by section 784A of the Taxes Consolidation Act 1997, and that person-

- (i) has sustained the loss of self-employment in their usual occupation, and
- (ii) the loss occurred not earlier than the first day of the second last complete calendar year before the year in which his or her application for jobseeker’s benefit (self-employed) is made,

shall be regarded as a week of unemployment.”.

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



GIVEN under my Official Seal,  
25 October, 2022.

MICHAEL MCGRATH,  
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,  
25 October, 2022.

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 amend article 52A of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to insert a new sub-article (1A).

The effect of the new provision is to ensure that a self-employed contributor in receipt of income solely from an approved retirement scheme, as defined in section 784A of the Taxes Consolidation Act 1997, is treated the same as a person without income from an approved retirement scheme when it comes to eligibility for Jobseeker's Benefit (Self-Employed). In both cases the loss of employment by a self-employed person founded on the person's PRSI contributions are relevant determining factors.

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