STATUTORY INSTRUMENTS.

S.I. No. 128 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 1) (ASSESSMENT OF SPOUSE’S EARNINGS) REGULATIONS 2023
S.I. No. 128 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 1) (ASSESSMENT OF SPOUSE’S EARNINGS) REGULATIONS 2023


Citation and construction
1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse’s Earnings) Regulations 2023.

(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 2023.

Commencement
2. These Regulations come into operation on 1 January 2023.

Definition
3. In these Regulations—


Income limit – qualified adult
4. The Principal Regulations are amended in article 7—

(i) in sub-article (2), by the substitution of “Subject to sub-article (2A), in the case of” for “In the case of”,

(ii) by the insertion of the following sub-article after sub-article (2):

“(2A) Sub-article (2) shall not apply where a person is entitled to or in receipt of jobseeker’s allowance, and their spouse, civil partner, or cohabitant is a participant under a scheme provided by the Minister and known as Community Employment, and their

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 24th March, 2023.
participation commences on or after 1 January 2023.”,

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

(iv) by the insertion of the following sub-article after sub-article (4):

“(4A) Sub-article (4) shall not apply where a person is entitled to or in receipt of jobseeker’s allowance, and their spouse, civil partner, or cohabitant is a participant under a scheme provided by the Minister and known as Community Employment, and their participation commences on or after 1 January 2023.”.

Assessment of spouse’s earnings

5. The Principal Regulations are amended in article 153 (amended by article 8 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012)—

(i) in sub-article (1), by the substitution of “article 7(2), (2A), (4) and (4A) apply,” for “article 7(2) and (4) apply”,

(ii) in sub-article (2), by the substitution of “Subject to sub-article (2A), for the purposes of” for “For the purposes of”,

(iii) by the insertion of the following sub-article after sub-article (2):

“(2A) For the purposes of sub-article (2), in the case where article 7(2A) or (4A) apply, the value of money derived shall be half the value calculated in accordance with sub-article (2).”,

and

(iv) in sub-article (4), by the insertion of the following paragraph after paragraph (e):

“(f) any amount payable, on or after 1 January 2023, by way of an increase for a qualified child, to the spouse, civil partner, or cohabitant, who is a participant under a scheme provided by the Minister and known as Community Employment, of a person entitled to or in receipt of jobseeker’s allowance.”.
The Minister for Public Expenditure, National Development Plan Delivery and Reform consents to the making of the foregoing Regulations.

GIVEN under my Official Seal,
8 March, 2023.

PASCHAL DONOHOE,
Minister for Public Expenditure, National Development Plan Delivery and Reform.

GIVEN under my Official Seal,
8 March, 2023.

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 that where a person is in receipt of Jobseeker’s Allowance, and their spouse, civil partner, or cohabitant is a participant of a Community Employment Scheme, commencing on or after 1 January 2023, an increase for a qualified adult is not payable.

These Regulations also provide that where a person is in receipt of Jobseeker’s Allowance, and their spouse, civil partner, or cohabitant is a participant of a Community Employment Scheme, commencing on or after 1 January 2023, half the value of the amount calculated from the means assessment shall be disregarded for Jobseeker’s Allowance means purposes.

In addition, any increase for qualified children payable to the Community Employment Scheme participant is disregarded when calculating means for Jobseeker’s Allowance means purposes.