



STATUTORY INSTRUMENTS.

**S.I. No. 234 of 2023**

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**SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 2) (QUALIFYING CONDITIONS)  
REGULATIONS 2023**

S.I. No. 234 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 2) (QUALIFYING CONDITIONS) REGULATIONS 2023

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (amended by section 10 of the Social Welfare Act 2020 (No. 30 of 2020)) of the Social Welfare Consolidation Act 2005, 41(6), 64(5) and 68D(2) of the Social Welfare Consolidation Act 2005, (No. 26 of 2005) hereby make the following regulations with respect to which, pursuant to section 4(5) of that Act, a draft has been laid before each House of the Oireachtas and a resolution approving of the draft has been passed by each such House:

**Citation and construction**

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2023.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2023 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2023.

**Qualifying Conditions**

The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 are amended-

(a) in article 26, by the insertion of the following sub-article after sub-article (3):

“(4). Where a claimant becomes entitled to illness benefit by virtue of solely having qualifying contributions under Chapter 6A of Part 2 of the Principal Act, that person shall satisfy the condition in sub-article(1)(c)(iii) to have weekly earnings or weekly income in excess of the prescribed amount of €300 in the governing contribution year, where the governing contribution year is 2021.”,

(b) by the insertion of the following article after article 48A:

**“Satisfaction of conditions for jobseeker’s benefit in the case of contributions applying to Covid-19 Pandemic Unemployment Payment.**

48B. Where a claimant becomes entitled to jobseeker’s benefit by virtue of solely having qualifying contributions under Chapter 6A of Part 2 of the Principal Act, that person shall satisfy the condition in section 64(1)(c) to have weekly earnings

or weekly income in excess of €300 in the governing contribution year, where the governing contribution year is 2021.”,

and

(c) by the insertion of the following article after article 52HA:

**“Satisfaction of conditions for jobseeker’s benefit (self-employed) in the case of contributions applying to Covid-19 Pandemic Unemployment Payment.**

52HB. Where a claimant becomes entitled to jobseeker’s benefit (self-employed) by virtue of having qualifying contributions under Chapter 6A of Part 2 of the Principal Act, that person shall satisfy the condition in section 68D(1)(c) to have weekly earnings or weekly income in excess of €300 in the governing contribution year, where the governing contribution year is 2020 or 2021.”.



GIVEN under my Official Seal,  
4 May, 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.)*

Entitlement to payment of Jobseeker's Benefit (JB) and Jobseeker's Benefit (Self-Employed) (JBSE) is primarily determined by a person's PRSI contribution record and earnings in the relevant Governing Contribution Year (GCY). For new claims made in 2023, the GCY is 2021. Similar arrangements apply to Illness Benefit (IB).

As respects the contribution condition, the Social Welfare (Covid-19) (Amendment) Act 2020 provided that a person entitled to and in receipt of Pandemic Unemployment Payment (PUP) or Jobseeker's payment who had an underlying entitlement to PUP would be deemed to have made an employment contribution for each entitlement period the customer was in receipt of these payments.

The rate of payment of JB, JBSE and IB is determined by the person's average reckonable weekly earnings or income in the GCY. For the full rate to be paid, the earnings in the GCY divided by the number of qualifying contributions in that year must be above the statutory amount of €300.

As respects earnings, those in receipt of PUP in 2021 (GCY for 2023 claims), and who do not have any actual earnings and related paid contributions in 2021, will not have the required €300 average earnings. These Regulations provide that a recipient in this position will be considered to have satisfied the condition to have the required €300 average earnings, and will be entitled to payment at the maximum rate. However, in cases where there are actual earnings and related paid contributions in the GCY, the standard calculation of earnings divided by paid contributions will apply.

These Regulations apply to the exceptional circumstances which applied in 2020 and 2021 to provide that a person who was in receipt of PUP during the governing contribution years of 2020 or 2021 is regarded as satisfying the GCY earnings requirement for those years.

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