



STATUTORY INSTRUMENTS.

**S.I. No. 731 of 2011**



SOCIAL WELFARE (EMPLOYERS' PAY-RELATED SOCIAL  
INSURANCE EXEMPTION SCHEME) REGULATIONS 2011

**(Prn. A11/2469)**

## SOCIAL WELFARE (EMPLOYERS' PAY-RELATED SOCIAL INSURANCE EXEMPTION SCHEME) REGULATIONS 2011

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 13(9) of that Act, with the consent of the Minister for Finance, given after consultation with the Minister for Public Expenditure and Reform, hereby make the following Regulations:

*Citation.*

1. These Regulations may be cited as the Social Welfare (Employers' Pay-Related Social Insurance Exemption Scheme) Regulations, 2011.

*Definitions.*

2. In these Regulations—

“additional employee” means an employee who, immediately before the date of commencement of his or her employment, was—

(a) in receipt of—

(i) jobseeker's benefit,

(ii) jobseeker's allowance,

(iii) one-parent family payment, or

(iv) disability allowance,

for a continuous period of at least 156 days, or

(b) participating in a programme administered by An Foras Áiseanna Saothair and known as the Work Placement Programme for a continuous period of at least 3 months,

and becomes an employed contributor by virtue of section 12 on the commencement of that employment;

“Employer Job (PRSI) Incentive Scheme” means the Employers' Pay-Related Social Insurance Exemption Scheme referred to in section 13(9);

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 10th January, 2012.*

“exemption certificate” means a document, signed by an officer of the Minister, granting an exemption to an employer from the liability to pay an employment contribution in accordance with section 13(2)(d);

“Principal Act” means the Social Welfare Consolidation Act 2005;

“tax clearance certificate” means a certificate issued by the Collector-General under section 1095 (inserted by section 127(b) of the Finance Act 2002 and amended by section 156 of the Finance Act 2010) of the Taxes Consolidation Act 1997.

*PRSI exemption for employers.*

3. (1) Subject to these Regulations, an employer who employs an additional employee during the period beginning on 1 January 2011 and expiring on 31 December 2011 shall be exempt from the liability to pay an employment contribution in accordance with section 13(2)(d) in respect of that additional employee for a period of 12 months beginning on the date of commencement of employment by that additional employee with that employer, where—

- (a) the employment of such additional employee constitutes an increase in the total number of people employed in that employer’s workforce above the total number of people so employed on either the first day or the last day, whichever is the greater number, of the 3 month period immediately before the date of commencement of employment by that additional employee,
- (b) the additional employee is employed and remunerated by that employer for at least 30 hours per week, and
- (c) the employer makes application for such exemption to the Department of Social Protection.

(2) For the purposes of sub-article (1)(b), the number of hours worked per week by an additional employee shall be based on the average number of hours worked during any 4 week period that may be determined by an officer of the Minister.

(3) Subject to article 4(1), an exemption granted under sub-article (1) of this article shall apply for the period specified in an exemption certificate issued to the employer in respect of an additional employee.

(4) Sub-article (1) shall not apply where—

- (a) the employer is a public service body within the meaning of section 1 of the Financial Emergency Measures in the Public Interest Act 2009 (No. 5 of 2009),
- (b) the additional employee would raise the proportion of the employer’s employed workforce employed under the Employer Job (PRSI) Incentive Scheme to more than 5% of the employed workforce or 5 employees, whichever is the greater,

(c) an application made by an employer under this article is not accompanied by a valid tax clearance certificate held by the employer, or

(d) in the opinion of an officer of the Minister—

(i) such employment does not constitute an increase in the total number of people employed in that employer's workforce above the total number of people so employed on either the first day or the last day, whichever is the greater number, of the 3 month period immediately before the date of commencement of employment by that additional employee,

(ii) such employment will not be sustained for more than 6 months.

*Cessation of employment by additional employee.*

4. (1) Where an additional employee ceases to be employed within 6 months of the granting of an exemption under article 3(1), the exemption from liability to pay an employment contribution in accordance with section 13(2)(d) shall no longer apply and that employer shall be liable to pay such an employment contribution in respect of any payments made to or for the benefit of that additional employee in respect of the reckonable earnings of that additional employee during such period of less than 6 months.

(2) The requirement in sub-article (1) on an employer to pay employment contributions in accordance with section 13(2)(d) in respect of an additional employee who ceases to be employed within 6 months of the granting of an exemption under article 3(1) shall not apply where, having regard to circumstances of the case, an officer of the Minister decides that it is not appropriate.

*Participants of Back to Work Allowance.*

5. (1) In any contribution week that an employee is entitled to or in receipt of a payment under a scheme administered by the Minister and known as Back to Work Allowance, his or her employer shall, where an exemption granted under the Social Welfare (Employers' Pay-Related Social Insurance Exemption Scheme) Regulations, 2003 applied immediately prior to the commencement of these Regulations, be exempt from the liability to pay the contribution specified in section 13(2)(d).

(2) Sub-article (1) shall not apply for any period during which an employee is no longer entitled to or in receipt of a payment under a scheme administered by the Minister and known as Back to Work Allowance.

The Minister for Finance, following consultation with the Minister for Public Expenditure and Reform, consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,  
22 December 2011.

MICHAEL NOONAN,  
Minister for Finance.



GIVEN under my Official Seal,  
22 December 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.)*

These Regulations provide for the continuation of the operation of the Employer Job (PRSI) Incentive Scheme during 2011. Employers who take on additional employees during 2011 are exempted from having to pay the employer's portion of PRSI contributions in respect of the earnings paid to such an additional employee for a period of 12 months from the date of approval of their application.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,  
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,  
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)  
or through any bookseller.

---

€2.54

