



STATUTORY INSTRUMENTS.

**S.I. No. 177 of 2015**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 1) (RECOVERY OF CERTAIN  
BENEFITS AND ASSISTANCE) REGULATIONS 2015

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 1) (RECOVERY OF CERTAIN BENEFITS AND ASSISTANCE) REGULATIONS 2015

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 186 of 2010)) and 343PA (inserted by section 12 of the Social Welfare (Miscellaneous Provisions) Act 2015 (No. 12 of 2015)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), 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. 1) (Recovery of Certain Benefits and Assistance) Regulations 2015.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2014 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2015.

*Recovery of certain benefits and assistance*

2. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) are amended—

(a) in article 249A, by the insertion of the following definition after the definition of “recoverable benefits”:

“ ‘revised statement of recoverable benefits’ has the meaning given to it in section 343L;”, and

(b) by the insertion of the following article after article 249C:

*“Information to be given for purposes of issuing statement and revised statement of recoverable benefits under section 343PA*

249D. For the purposes of the issuing of a statement of recoverable benefits or a revised statement of recoverable benefits under section 343PA a compensator or an injured person shall provide any of the information specified in paragraphs (a) to (d) and paragraph (f) of article 249C in relation to the identity of the compensator, the identity of the injured person and the benefits received by the injured person, as may be required by the Minister.”.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 12th May, 2015.*



GIVEN under my Official Seal,  
7 May 2015.

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 12 of the Social Welfare (Miscellaneous Provisions) Act 2015 provides for a number of amendments to the operation of the provisions relating to the recovery of the value of certain illness-related social welfare payments from compensation awards made to persons as a consequence of personal injuries claims, which were provided for in the Social Welfare and Pensions Act 2013 and which came into operation in August 2014.

Under the current arrangements, a statement of recoverable benefits can only be issued where the compensator makes an application to the Minister for Social Protection for the issuing of such a statement. Section 12 of the Social Welfare (Miscellaneous Provisions) Act 2015 enables the Minister to issue a statement of recoverable benefits directly to a compensator in cases where a compensator fails to apply for such a statement before making a compensation payment in respect of personal injuries. In addition, section 12 enables the Minister to issue a revised statement of recoverable benefits where an illness-related social welfare payment is awarded or varied subsequent to the issuing of the initial statement of recoverable benefits.

These Regulations prescribe the information to be provided by a compensator or an injured person to the Minister for the purposes of enabling such a statement or revised statement of recoverable benefits to be issued. This includes—

- information to assist in identifying the compensator involved or the agent or legal representative of the compensator, and
- information to assist in identifying the injured person and the social welfare benefits that may have been paid to that person.

These Regulations also provide for a consequential amendment to the definitions contained in Part 9A of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, which relates to the recovery of the value of certain illness-related social welfare payments from compensation awards, to include a definition of the term “revised statement of recoverable benefits”.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
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