STATUTORY INSTRUMENTS.

S.I. No. 12 of 2017

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 1) (ABSENCE FROM THE STATE) REGULATIONS 2017

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 1) (ABSENCE FROM THE STATE)
REGULATIONS 2017

I, LEO VARADKAR, 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 249(1)(*a*) 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) (Absence from the State)
Regulations 2017.

(2) These Regulations and the Social Welfare (Consolidated Claims, Pay-
ments and Control) Regulations 2007 to 2016 shall be construed together as one
and may be cited together as the Social Welfare (Consolidated Claims, Payments
and Control) Regulations 2007 to 2017.

Absence from the State

2. Article 217 of the Social Welfare (Consolidated Claims, Payments and
Control) Regulations 2007 (S.I. No. 142 of 2007) is amended–

> (*a*) in paragraph (*c*), by the insertion of the following sub-paragraph after
> sub-paragraph (ii):
>
>> "(iii) while that person is on holiday for a period or periods not
>> exceeding six weeks in total during the period of entitle-
>> ment to the benefit,",
>
> (*b*) in paragraph (*h*), by the substitution of "left the State," for "left the
> State.",
>
> (*c*) in paragraph (i), by the substitution of "calendar year," for "calendar
> year.",
>
> and
>
> (*d*) by the insertion of the following paragraphs after paragraph (i):
>
>> "(*j*) paternity benefit for a period not exceeding two weeks while
>> that person is on holiday during the period of entitlement to
>> the benefit,

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 27th January*, 2017.

(*k*) adoptive benefit for a period or periods not exceeding six weeks in total while that person is on holiday during the period of entitlement to the benefit.".

L.S.

GIVEN under my Official Seal,
    23 January 2017.

    LEO VARADKAR,
      Minister for Social Protection.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

Section 249(1)(*a*) of the Social Welfare Consolidation Act 2005 provides that Regulations may be made to set out the circumstances in which a person may continue to receive a social welfare benefit while he or she is absent from the State.

Regulations provide, for instance, that certain contributory pensions are payable where the claimant is living outside the State and that certain other benefits will continue to be payable where the claimant is absent from the State on holidays for a limited period.

These Regulations extend the range of benefits which can continue to be paid while the claimant is absent from the State on holiday to include Maternity Benefit (for up to six weeks), Adoptive Benefit (for up to six weeks) and Paternity Benefit (for up to two weeks).

Since EU Regulations already provide that EU citizens will continue to receive these payments when they are in another member state, these Regulations are intended to facilitate, in particular, persons from outside the EEA (EU member states along with Norway, Iceland and Liechtenstein), as well as Switzerland, working within the State who may wish to spend time in their native countries having become a parent to, or adopted, a child.

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