



STATUTORY INSTRUMENTS.

S.I. No. 554 of 2019



SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 12) (PARENT'S BENEFIT)
REGULATIONS 2019

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 12) (PARENT'S BENEFIT) REGULATIONS 2019

I, REGINA DOHERTY, Minister for Employment Affairs and Social Protection, in exercise of the powers conferred on me by section 4 (adapted by the Social and Family Affairs (alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 366 of 2017)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), and by sections 61G and 61J (inserted by section 29 of the Parent's Leave and Benefit Act 2019 (No. 35 of 2019)), 244, 247 and 255 of the Social Welfare Consolidation Act 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. 12) (Parent's Benefit) Regulations 2019.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2019 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2019.

Interpretation

2. In these Regulations—

“Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007);

“Regulations of 2016” means the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations (S.I. No. 442 of 2016).

Commencement

3. These Regulations come into operation on 1 November 2019.

Definitions

4. Article 3 of the Principal Regulations is amended by the insertion of the following definition:

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 12th November, 2019.

“‘parent’s leave’ has the meaning assigned to it by section 5(1) of the Parent’s Leave and Benefit Act 2019 (No. 35 of 2019);”.

Parent’s benefit

5. Part 2 of the Principal Regulations is amended by the insertion of the following Chapter after Chapter 4A:

“CHAPTER 4B

Parent’s benefit

Definitions

43G. In this Chapter –

‘Act of 2019’ means the Parent’s Leave and Benefit Act 2019;

‘period of parent’s leave’ means the period of parent’s leave to which the relevant parent or surviving parent is entitled under Part 2 of the Parent’s Leave and Benefit Act 2019, being a continuous period of 2 consecutive weeks or periods consisting of not less than one week beginning, as the case may be

- (a) on or after the day of placement of the child, and ending not later than 52 weeks after the day of placement of the child, or
- (b) on or after the date of birth of the child and ending not later than 52 weeks after the date of birth of the child;

‘relevant day’ has the meaning assigned to it by section 61F(1);

‘relevant parent’ has the meaning assigned to it by section 61F(1);

‘surviving parent’ has the meaning assigned to it by section 61F(1).

Volunteer development workers – qualifying conditions

43H. (1) (a) Subject to paragraph (b), a volunteer development worker shall be entitled to parent’s benefit where that person would otherwise qualify therefor but for the fact that the contribution conditions in section 61H are not satisfied.

- (b) For the purposes of paragraph (a), the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person’s entry into insurance and ending immediately before the

relevant day.

- (2) (a) Subject to paragraph (b), a person who ceases to be a volunteer development worker shall be entitled to parent's benefit in respect of any claim made in the benefit year in which that person returns to the State from a developing country or in the next succeeding benefit year where the person would otherwise qualify therefor but for the fact that the contribution conditions in section 61H are not satisfied.
- (b) For the purposes of paragraph (a), the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person's entry into insurance and ending immediately before the relevant day.

Disqualification

43I. (1) Subject to sub-article (2), a relevant parent or a surviving parent, as the case may be, shall be disqualified for receiving parent's benefit for such period as may be determined by a deciding officer if, during the period for which the benefit is payable, the relevant parent or surviving parent, as the case may be, engages in any form of insurable employment, insurable (occupational injuries) employment, insurable self-employment, any employment referred to in paragraph 1, 2, 3 or 6 of Part 2 of Schedule 1 to the Principal Act or any self-employment referred to in paragraph 1 or 5 of Part 3 of Schedule 1 to the said Act.

(2) A disqualification referred to in sub-article (1) shall commence not earlier than the first day on which the relevant parent or surviving parent, as the case may be, engages in any employment referred to in sub-article (1).

Postponement of parent's benefit during hospitalisation of child

43J. (1) For the purposes of section 61G(12), the maximum period for which parent's benefit may be postponed is 6 months.

Postponement of parent's benefit by virtue of subsection (15) or paragraphs (a) or (b) of subsection (16)

43K. (1) Where, by virtue of the application of section 61G(15), a relevant parent cannot receive his or her parent's benefit within the period of parent's leave, the period of parent's leave in which parent's benefit may be paid shall be postponed by a maximum period of 12 weeks.

(2) Where, by virtue of the application of paragraph (a) of section 61G(16), a relevant parent has his or her leave postponed in accordance with section 7(3)(a) of the Act of 2019, the period of parent's leave in which parent's benefit may be paid shall be postponed by a maximum period of 6 weeks.

(3) Where, by virtue of the application of paragraph (b) of section 61G(16), a relevant parent has his or her leave postponed in accordance with section 13

of the Act of 2019, the period of parent's leave in which parent's benefit may be paid shall be postponed by a period equivalent to the period of postponement concerned, subject to such postponement not exceeding a period of 12 weeks.”.

Information to be given when making a claim

6. Article 181 (amended by article 6 of the Regulations of 2016) of the Principal Regulations is amended by the substitution of the following sub-article for sub-article (3):

“(3) The employer of a claimant for maternity benefit, adoptive benefit, paternity benefit or parent's benefit, as the case may be, shall, on being so required by an officer of the Minister, furnish to the Minister, the following information relating to that claimant –

- (a) certification that the claimant is entitled to –
 - (i) maternity leave under the Act of 1994,
 - (ii) adoptive leave under the Adoptive Leave Act 1995 (No. 2 of 1995),
 - (iii) paternity leave under the Paternity Leave and Benefit Act 2016 (No. 11 of 2016),
 - (iv) parent's leave under the Parents Leave and Benefit Act 2019 (No. 35 of 2019)

as the case may be,

- (b) the amount of the claimant's gross earnings derived from that employment in respect of any period, and
- (c) any other relevant particulars that may be required for the purposes of determining a claim for maternity benefit, adoptive benefit, paternity benefit or parent's benefit, as the case may be.”.

Prescribed time

7. Article 182(f) (amended by article 2 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) Regulations 2016 (S.I. No. 670 of 2016)) of the Principal Regulations is amended –

by the substitution of “adoptive benefit, paternity benefit, parent's benefit” for “adoptive benefit, paternity benefit”.

Nomination of employer to receive payment of certain benefits

8. Article 201A(1) (amended by article 7 of the Regulations of 2016) of the Principal Regulations is amended–

- (a) in paragraph (d), by the substitution of “benefit,” for “benefit, and”,
- (b) in paragraph (e), by the substitution of “benefit, and” for “benefit.”, and
- (c) by the insertion of the following paragraph after paragraph (e):
“(f) parent’s benefit.”.

Absence from the State

9. Article 217 (amended by article 2 of the Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Absence from the State) Regulations 2017 (S.I. No. 12 of 2017) of the Principal Regulations is amended–

- (a) in paragraph (k), by the substitution of “the benefit,” for “the benefit.”, and
- (b) by the insertion of the following paragraphs after paragraph (k):
“(l) parent’s benefit for a period not exceeding two weeks while that person is on holiday during the period of entitlement to the benefit.”,

Payment of guardian’s payment with other social welfare payments

10. Article 222 (amended by article 8 of the Regulations of 2016) of the Principal Regulations is amended –

- (a) in sub-article (2), by the substitution of “paternity benefit, parent’s benefit,” for “paternity benefit,”, and
- (b) in sub-article (3), by the insertion of the following paragraph after paragraph (da):

“(db) parent’s benefit,”.

Payment of maternity, health and safety, adoptive or paternity benefit at reduced rate with other social welfare payments

11. Article 223A (amended by article 9 of the Regulations of 2016) of the Principal Regulations is amended–

- (a) by the substitution of “adoptive benefit, paternity benefit or parent’s benefit” for “adoptive benefit or paternity benefit” in each place that it occurs in in sub-articles (1), (2), (3) and (6),

- (b) by the substitution of “adoptive benefit, paternity benefit or parent’s benefit,” for “adoptive benefit or paternity benefit,” in each place that it occurs in sub-articles (1), (3) and (4),
- (c) in sub-article (4)(b) –
 - (i) in subparagraph (iii) by the substitution of “qualified child” for “qualified child, and”,
 - (ii) in subparagraph (iv) by the substitution of “qualified child), and” for “qualified child).”, and
 - (iii) by the insertion of the following subparagraph after subparagraph (iv):
 - “(v) in the case of parent’s benefit, the rate of such benefit payable in accordance with section 61I(inclusive of any increase in respect of a qualified child).”.



GIVEN under my Official Seal,
1 November, 2019.

REGINA DOHERTY,
Minister for Employment Affairs and Social Protection.

EXPLANATORY NOTE

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

Part 5 of the Parent's Leave and Benefit Act 2019 provides for a scheme of parent's benefit under which benefit will be payable to persons defined as relevant parents under that Act.

These Regulations, which come into effect from 1 November 2019, provide that persons employed abroad as volunteer development workers may qualify for parent's benefit without having to satisfy the employment condition attached to the scheme. They also set out the contribution conditions to be satisfied by a volunteer development worker in order to qualify for parent's benefit.

In addition, the Regulations provide for consequential amendments to existing claims and payments and overlapping payments provisions arising from the introduction of the new scheme.

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