



STATUTORY INSTRUMENTS.

S.I. No. 689 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 13) (NOTIFICATIONS WHERE CLAIMANT WISHES FOR CERTAIN PAYMENTS TO CONTINUE AFTER ATTAINING PENSIONABLE AGE) REGULATIONS 2023

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 13) (NOTIFICATIONS WHERE CLAIMANT WISHES FOR CERTAIN PAYMENTS TO CONTINUE AFTER ATTAINING PENSIONABLE AGE) 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)) and as adapted by the Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 447 of 2020)), and 44 (11), 46C(5), 67(11) 68H(7) and 238C(4) 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. 13) (Notifications Where Claimant Wishes For Certain Payments To Continue After Attaining Pensionable Age) 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 Claims, Payments and Control) Regulations 2007 to 2023.

Definition

2. In these Regulations—

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

Commencement

3. Article 4 of these Regulations comes into operation on 1 January 2024.

Notifications where claimant wishes for certain payments to continue after attaining pensionable age.

4. The Principal Regulations are amended by the insertion of the following article before article 199:

“Notifications where claimant wishes for certain payments to continue after attaining pensionable age.

198A. Notifications pursuant to sections 44(11)(b), 46C(5)(c), 67(11)(b), 68H(7)(b) and 238C(4)(b)—

(a) shall be made to the Minister—

- (i) in the form for the time being approved by the Minister, or
- (ii) in such other manner as the Minister may accept as sufficient in the circumstances,

and such form or manner may include an application made by electronic means or in electronic form,

- (b) shall be made during the period commencing 3 months before, and ending 1 month after, the date on which the person to whom the notification relates attains pensionable age.”,

and

Amendment to article 28F

5. Article 28F (amended by article 3(b) of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Partial Capacity Benefit) Regulations 2013 (S.I. No. 340 of 2013) of the Principal Regulations is amended by the substitution of “article 28C” for “article 28D”.



GIVEN under my Official Seal,
20 December, 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.)

Illness Benefit, Partial Capacity Benefit, Jobseeker's Benefit, Jobseeker's Benefit (Self-Employed) or Back to Work Family Dividend ordinarily cease to be paid to a person upon that person attaining pensionable age.

Sections 36, 38, 41, 43 and 51 of the Social Welfare (Miscellaneous Provisions) Act 2023 amend the Social Welfare Consolidation Act 2005 to provide that, subject to meeting the conditions specified in those provisions, a person born on or after 1 January 1958 who is in receipt of Illness Benefit, Partial Capacity Benefit, Jobseeker's Benefit, Jobseeker's Benefit (Self-Employed) or Back to Work Family Dividend immediately before attaining pensionable age, may notify the Minister that they wish to continue to receive that payment past pensionable age, for any remaining period in which they would be entitled to it.

These Regulations specify the manner and time limits which will apply to such a notification.

The Regulations also correct an incidental mis reference in article 28F of the Principal Regulations.

Article 4 of these Regulations come into effect on 1 January 2024.

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