



STATUTORY INSTRUMENTS

S.I. No. 604 of 2008

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 5) (GRADUATED RATES)
REGULATIONS, 2008

(Prn. A8/2087)

S.I. No. 604 of 2008

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 5) (GRADUATED RATES) REGULATIONS, 2008

The Minister for Social and Family Affairs, in exercise of the powers conferred on her by sections 2 (as amended by sections 4, 5, 17 and 29 and Schedules 1, 3 and 6 of the Social Welfare Law Reform and Pensions Act 2006 (No. 6 of 2006)), 3 (as amended by section 37 and Schedule 7 of the Social Welfare Law Reform and Pensions Act 2006), 4 (as amended by section 17 and Schedule 3 of the Social Welfare Law Reform and Pensions Act 2006), 41 (as amended by section 6 of the Social Welfare and Pensions Act 2008 (No. 2 of 2008)), 53 and 64 (as amended by section 8 of the Social Welfare and Pensions Act 2007 (No. 8 of 2007)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), hereby makes the following Regulations:

Citation and construction.

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2008 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2008.

Commencement.

2. (a) The 1st day of January 2009 is appointed as the day on which article 7 comes into operation.

(b) The 5th day of January is appointed as the day on which articles 5 and 6 come into operation.

Definitions.

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

4. The Principal Regulations are amended by the insertion after Schedule 6 thereto of the Schedule set out in Schedule 1.

Illness Benefit.

5. The Principal Regulations are amended:

(a) in article 26(1) in paragraph (c), by the substitution for clause (ii) of the following:

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th January, 2009.

- “(ii) the period of interruption of employment commenced on or after 29 December 2003 and before 5 January 2009, the prescribed amount shall be €149.99, and
- (iii) the period of interruption of employment commenced on or after 5 January 2009, the prescribed amount shall be €300.00.”,

and

(b) in article 27 by the substitution for subarticle (b) of the following:

“(b) where, in the case of a claim to illness benefit where the period of interruption of employment commenced on or after 29 December 2003 and before 5 January 2009, the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in column(1) of Schedule 6, there shall be entitlement to illness benefit payable at the weekly rate shown opposite to that group of amounts in column (2) of the said Schedule,

(ba) where, in the case of a claim to illness benefit where the period of interruption of employment commenced on or after 5 January 2009, the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in column(1) of Schedule 6A, there shall be entitlement to illness benefit payable at the weekly rate shown opposite to that group of amounts in column (2) of the said Schedule, ”,

and

(c) in article 27(c)(i) by substituting “Schedules 5, 6 or 6A” for “Schedules 5 or 6”.

Health and Safety Benefit.

6. The Principal Regulations are amended:

(a) in article 36(1) by the substitution for paragraphs (c)(i) and (ii) of the following:

“(i) the period of health and safety leave commenced on or after 29 December 2003 and before 5 January 2009, the prescribed amount shall be €149.99, and

(ii) the period of health and safety leave commenced on or after 5 January 2009, the prescribed amount shall be €300.00.”,

and

(b) in article 37 by the substitution for subarticles (a) and (b) of the following subarticles:

(a) where, in the case of a claim to health and safety benefit where the period of interruption of employment commenced on or after 29 December 2003 and before 5 January 2009, the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in column (1) of Schedule 6, there shall be entitlement to health and safety benefit payable at the weekly rate shown opposite to that group of amounts in column (2) of the said Schedule,

(b) where, in the case of a claim to health and safety benefit where the period of interruption of employment commenced on or after 5 January 2009, the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in column (1) of Schedule 6A, there shall be entitlement to health and safety benefit payable at the weekly rate shown opposite to that group of amounts in column (2) of the said Schedule, ”,

and

(c) in article 37(c) by substituting “Schedules 6 or 6A” for “Schedules 5 or 6”.

Jobseeker’s Benefit.

7. The Principal Regulations are amended:

(a) in article 47 in paragraph (c), by the substitution for clause (ii) of the following:

“(ii) the period of interruption of employment commenced on or after 25 December 2003 and before 1 January 2009, the prescribed amount shall be €149.99, and

(iii) the period of interruption of employment commenced on or after 1 January 2009, the prescribed amount shall be €300.00”,

and

(b) in article 48 by the substitution for subarticle (b) of the following sub-articles:

“(b) in the case of a claim for jobseeker’s benefit where the period of interruption of employment commenced on or after 25 December 2003 and before 1 January 2009 and the amount of reckonable weekly earnings or reckonable weekly

income, as the case may be, is an amount included in one of the groups of amounts specified in column (1) of Schedule 6, there shall be entitlement to jobseeker's benefit payable at the weekly rate shown opposite that group of amounts in column (2) of the said Schedule,

(ba) in the case of a claim for jobseeker's benefit where the period of interruption of employment commenced on or after 1 January 2009 and the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in column (1) of Schedule 6A, there shall be entitlement to jobseeker's benefit payable at the weekly rate shown opposite that group of amounts in column (2) of the said Schedule, ”,

and

(c) in article 48(c)(i) by substituting “Schedules 5, 6 or 6A” for “Schedules 5 or 6”.

SCHEDULE 1

“SCHEDULE 6A

Articles 27, 37 and 48

Reduced rates of Illness, Health and Safety and Jobseeker's Benefits

Amount of reckonable weekly earnings (1)	Weekly Rate (2)	Increase for Qualified Adult (where payable) (3)
€	€	€
32.00 to 149.99	91.80	87.90
150.00 to 219.99	132.00	87.90
220.00 to 299.99	160.10	87.90

”.



GIVEN under the Official Seal of the Minister for Social and Family
Affairs
18 December 2008

MARY HANAFIN.
Minister for Social and Family Affairs.

The Minister for Finance hereby consents to the making of the foregoing
regulations



GIVEN under the Official Seal of the Minister for Finance,
18 December 2008

BRIAN LENIHAN.
Minister for Finance.

EXPLANATORY NOTE

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

These Regulations provide for an increase in the earnings threshold for the purposes of payment of reduced rates of Illness, Jobseeker's and Health and Safety Benefit. The thresholds are being increased from €150 to €300 and these Regulations will provide for new earnings bands in respect of which the different reduced rates are payable.

These measures will take effect from the first week in January 2009.

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
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