



STATUTORY INSTRUMENTS.

**S.I. No. 515 of 2013**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 8) (PRE-RETIREMENT  
ALLOWANCE) REGULATIONS 2013

S.I. No. 515 of 2013

## SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 8) (PRE-RETIREMENT ALLOWANCE) REGULATIONS 2013

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), and by section 151 (amended by section 7 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (No. 20 of 2013)) of the Social Welfare Consolidation Act 2005, with the consent of the Minister for Public Expenditure and Reform, 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. 8) (Pre-Retirement Allowance) Regulations 2013.

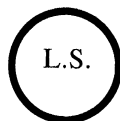
(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013.

*Conditions for entitlement to pre-retirement allowance.*

2. Article 122 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) is amended by substituting the following sub-article for sub-article (4) (inserted by article 11 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011 (No. 604 of 2011)):

“(4) A person shall be regarded as a civil partner who is not living with the other civil partner of the civil partnership for the purposes of section 149(1)(c)(iia) where he or she and his or her civil partner have lived apart from one another for a continuous period of 3 months preceding the date of his or her claim for pre-retirement allowance and continue to so live apart.”.

The Minister for Public Expenditure and Reform consents to the foregoing Regulations.



GIVEN under my Official Seal,  
18 December 2013.

BRENDAN HOWLIN,  
Minister for Public Expenditure and Reform.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 3rd January, 2014.*



GIVEN under my Official Seal,  
19 December 2013.

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.)*

The Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011 contained a range of amendments to the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 that were necessary to ensure compliance with the civil partnership legislation. Article 11 of the 2011 Regulations inadvertently included a provision relating to the Pre-Retirement Allowance which specified the circumstances in which a person is to be regarded as a civil partner where he or she is not living with the other civil partner of the civil partnership.

As there was no specific regulatory power to specify such circumstances, section 7 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 amended section 151 of the Social Welfare Consolidation Act 2005 so as to provide for the necessary regulatory power.

These Regulations re-enact the provisions specifying the circumstances in which a person is to be regarded as a civil partner who is not living with the other civil partner of the civil partnership for the purposes of section 149(1)(c)(iia) under the new regulatory powers contained in section 151 of the Social Welfare Consolidation Act 2005, i.e. where both civil partners in a civil partnership have lived apart from one another for a continuous period of 3 months preceding the date of the claim for Pre-Retirement Allowance and continue to so live apart.

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DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

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€2.54



Wt. (B30101). 285. 12/13. Clondalkin. Gr 30-15.