



STATUTORY INSTRUMENTS.

S.I. No. 620 of 2016

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 3) (CARER'S ALLOWANCE)
REGULATIONS 2016

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 3) (CARER'S ALLOWANCE) REGULATIONS 2016

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 179(2) 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. 3) (Carer's Allowance) Regulations 2016.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments 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 2016.

Commencement

2. These Regulations come into operation on 2 January 2017.

Circumstances in which carer is to be regarded as providing full-time care and attention

3. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) are amended by the substitution of the following article for article 136:

“Circumstances in which carer is to be regarded as providing full-time care and attention

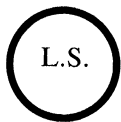
136. (1) A carer may, for the purposes of Chapter 8 of Part 3 and this Chapter, continue to be regarded as providing full-time care and attention to a relevant person where—

- (a) he or she would qualify for payment of an allowance but for the fact that either the carer or the relevant person is undergoing medical or other treatment of a temporary nature in an institution for a period not longer than 13 weeks,
- (b) (i) subject to subparagraph (ii), he or she would qualify for payment of an allowance but for the fact that the relevant person has been permanently admitted to an institution,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 27th December, 2016.

- (ii) the maximum period for payment of the allowance, under subparagraph (i), does not exceed 12 weeks,
- (c) the relevant person is attending—
 - (i) a non-residential course of rehabilitation training provided by an organisation (being an organisation recognised by the Minister for Health for the purposes of the provision of such training), or
 - (ii) a non-residential place of day care approved by the Minister for Health, or
- (d) subject to sub-article (2), it is shown to the satisfaction of a deciding officer or an appeals officer that adequate provision has been made for the care of the relevant person, a carer may—
 - (i) engage in employment,
 - (ii) engage in self-employment, or
 - (iii) undertake such training or courses of education as the Minister may from time to time determine.

(2) The aggregate duration of the activities outside the home referred to in subparagraphs (i), (ii) and (iii) of sub-article (1)(d) shall not exceed 15 hours per week.”.



GIVEN under my Official Seal,
16 December 2016.

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.)

Article 136 of the Social Welfare (Consolidated Claims, Payment and Control) Regulations 2007 provides for the circumstances in which a person will be regarded as providing full-time care and attention for the purposes of the carer's allowance scheme.

These circumstances include—

- where the carer or the person being cared for is undergoing medical or other treatment of a temporary nature in an institution (e.g. a hospital or nursing home) for a period not longer than 13 weeks, or
- where the carer is engaged in employment, self-employment, training or education outside the home for an aggregate duration of not more than 15 hours per week.

These Regulations extend these circumstances to provide for the continued payment of carer's allowance for a period of up to 12 weeks where the person in respect of whom the allowance is payable has been permanently admitted to an institution.

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