



STATUTORY INSTRUMENTS.

S.I. No. 670 of 2016

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 5) (PRESCRIBED TIME)
REGULATIONS 2016

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 5) (PRESCRIBED TIME) 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 241(2) (amended by section 16 of the Social Welfare Act 2016 (No. 15 of 2016)) 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. 5) (Prescribed Time) 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.

Prescribed time

2. Article 182(f) of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) is amended by the substitution of “adoptive benefit, paternity benefit” for “adoptive benefit”.



GIVEN under my Official Seal,
22 December 2016.

LEO VARADKAR,
Minister for Social Protection.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th January, 2017.*

EXPLANATORY NOTE

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

Section 241 of the Social Welfare Consolidation Act 2005 sets out the time and manner in which claims for various social welfare payments are to be made. Section 241(2) specifically provides that where a person fails to make a claim for a social welfare payment within a prescribed time, then he or she will be disqualified for receiving payment for a period before such claim is made. Different periods are specified according to the nature of the different social welfare payment schemes.

The Paternity Leave and Benefit Act 2016 provides, inter alia, that paternity benefit can be paid at any time commencing on the date of the birth of the child (or placement in the case of an adoption) and ending not later than 28 weeks after that date.

Section 16 of the Social Welfare Act 2016 provides for regulatory making powers to allow the Minister to prescribe a specified time for making a paternity benefit claim. These Regulations prescribe that in the case of paternity benefit the specified time shall be the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto. This means that, in order for a full payment of 2 weeks paternity benefit to be paid, the claim must be made within 26 weeks of the date of birth of the child or the date of placement.

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