



STATUTORY INSTRUMENTS.

S.I. No. 285 of 2022

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 8) (ONE-PARENT FAMILY
PAYMENT) REGULATIONS 2022

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 8) (ONE-PARENT FAMILY PAYMENT) REGULATIONS 2022

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (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 177 (amended by by section 9(6) of the Social Welfare and Pensions Act 2011 (No. 37 of 2011)) 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. 8) (One-Parent Family Payment) Regulations 2022.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2022 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2022.

One-Parent Family Payment

2. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. 142 of 2007) are amended:

(a) by the substitution of the following articles for articles 124 and 125:

“Definitions.

124. In this Chapter –

‘Council Directive’ means Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (insofar as it relates to Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection);

‘liable relative’ has the meaning assigned to it by section 2(7).

Circumstances in which a person is to be regarded as being a separated spouse.

125. (1) A person is to be regarded for the purposes of Chapter 7 of Part 3 as being a separated spouse if—

(a) he or she and his or her spouse have lived apart from one another for a continuous period of at least 3 months immediately preceding the date of his or her claim for one-parent family payment and continue to so live apart, and

(b) he or she makes and continues to make appropriate efforts, in the particular circumstances, to obtain maintenance from a liable relative.

(2) Notwithstanding sub-article (1), a person is to be regarded for the purposes of Chapter 7 of Part 3 as being a separated spouse if he or she and his or her spouse are living apart from one another other due to the fact that the person is currently resident in Ireland under the Council Directive.

(3) Sub-article (2) shall cease to have effect on 17 May 2023.”, and

(b) by the substitution of the following article for article 126:

“Circumstances in which a person is to be regarded as being an unmarried person.

126. (1) A person is to be regarded for the purposes of Chapter 7 of Part 3 as being an unmarried person if –

(a) not being a married person or a party to a civil partnership, he or she is the parent of a relevant child, and

(b) he or she makes such reasonable efforts, as may be required from time to time by an officer of the Minister, to obtain maintenance from a liable relative.

(2) For the purposes of this article a parent shall include, in the case of a child who has been adopted under an adoption order within the meaning of section 3(1) of the Adoption Act 2010, or under such other form of adoption as the Minister considers appropriate in the circumstances, the adopter.

(3) Notwithstanding sub-article (1), a person is to be regarded for the purposes of Chapter 7 of Part 3 as being an unmarried person if not being a married person or a party to a civil partnership, he or she is the parent of a relevant child, and is living apart from the other parent due to the fact that the person is currently resident in Ireland under the Council Directive.

(4) Sub-article (3) shall cease to have effect on 17 May 2023.”.



GIVEN under my Official Seal,
30 May, 2022.

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.)

These Regulations amend Articles 124, 125 and 126 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to include a reference to people who have come to Ireland from Ukraine with their children but without their spouse or partner and who have temporary protection under Council Directive 2001/55/EC of 20 July 2001 as implemented by Council Implementing Decision (EU) 2002/382 of 4 March 2022.

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