



STATUTORY INSTRUMENTS.

**S.I. No. 495 of 2022**



SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 12) (ABSENCE FROM THE STATE)  
REGULATIONS 2022

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 12) (ABSENCE FROM THE STATE)  
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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 249(1)(a) 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. 12) (Absence from the State) 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.

**Absence from the State**

2. Article 217 (amended by Art 2 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Absence from the State) Regulations 2020 (S.I. No. 242 of 2020)) of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 is amended—

(a) by the substitution of the following paragraph for paragraph (d):

“(d) “subject to paragraph (da), jobseeker’s benefit or jobseeker’s benefit (self-employed), (including any increase thereof) for any period during which that person, or his or her qualified adult, is absent from the State –

(i) in respect of the first two weeks of any such absence in a calendar year, provided that during the period of his or her absence from the State the person does not engage in gainful employment of any nature and he or she submits such evidence to that effect as the Minister may require, or

(ii) while representing Ireland in an amateur capacity at an international sporting event, or

(iii) during such period as the Minister may allow, having regard to the circumstances of the case, if the absence is temporary and due to force majeure,”

and

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 7th October, 2022.*

- (b) by the insertion of the following paragraph after paragraph (d):
- “(da) jobseeker’s benefit or jobseeker’s benefit (self-employed), (including any increase thereof) by reason only of the person being temporarily absent from the State, where that person is a person has attained the age of 65 years, provided that during the period of his or her absence from the State the person does not engage in gainful employment of any nature and he or she submits such evidence to that effect as the Minister may require.”.



GIVEN under my Official Seal,  
30 September, 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.)*

Section 249(1)(a) of the Social Welfare Consolidation Act 2005 provides that Regulations may be made to set out the circumstances in which a person may continue to receive a social welfare benefit while he or she is absent from the State.

These Regulations amend Article 217(d) of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to affirm that Jobseeker's Benefit or Jobseeker's Benefit (Self-Employed) will continue to be payable for the first two weeks the claimant is absent from the State, provided he or she does not engage in gainful employment during that absence.

The Regulations also insert a new paragraph (da) into article 217 to provide that a person who has reached the age of 65 years, who is in receipt of Jobseeker's Benefit or Jobseeker's Benefit (Self-Employed), is not disqualified for receipt of such payment where his or her temporary absence from the State exceeds two weeks, provided he or she does not engage in gainful employment during that absence.

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