



STATUTORY INSTRUMENTS.

S.I. No. 324 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 6) (CIRCUMSTANCES IN WHICH
CARER IS TO BE REGARDED AS PROVIDING FULL TIME CARE AND
ATTENTION) REGULATIONS 2023

S.I. No. 324 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 6) (CIRCUMSTANCES IN WHICH CARER IS TO BE REGARDED AS PROVIDING FULL TIME CARE AND ATTENTION) REGULATIONS 2023

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (amended by section 10 of the Social Welfare Act 2020 (No. 30 of 2020)), and 99(3), 179(2) and 224(3) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), with the consent of the Minister for Public Expenditure, National Development Plan Delivery 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. 6) (Circumstances in which Carer is to be regarded as providing full time care and attention) Regulations 2023.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2023 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2023.

Commencement

2. These Regulations come into operation on 1 January 2023.

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 are amended—

(a) in article 56 by the substitution of “Subject to article 56A, a carer may,” for “A carer may,”,

(b) by the insertion of the following article after article 56:

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

56A. Notwithstanding paragraph (a) of article 56, a carer may be regarded as providing full-time care and attention for a period not longer than 26 weeks in a twelve-month period where the relevant person is a person to whom article 140E applies.”,

(c) in article 136—

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 23rd June, 2023.

(i) in sub-article (1)(a) by the substitution of “subject to sub-article (1A) continue” for “continue”,

and

(ii) by the substitution of the following sub-article for sub-article (1A) (inserted by article 4 of the Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 6) (Carers Allowance) Regulations 2022. (S.I. No. 201 of 2022)):

(1A) Notwithstanding sub-article (1)(a), a carer may be regarded as providing full-time care and attention for a period not longer than 26 weeks in a twelve-month period where the relevant person is a person to whom article 140E applies.”,

(d) in article 167(b) by the substitution of “subject to article 167A, the relevant person” for “the relevant person.”,

and

(e) by the insertion of the following article after article 167:

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

167A. Notwithstanding paragraph (b) of article 167, a carer may be regarded as providing full-time care and attention for a period not longer than 26 weeks in a twelve-month period where the relevant person is a person to whom article 140E applies.”.

The Minister for Public Expenditure, National Development Plan Delivery and Reform consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,
26 April, 2023.

PASCHAL DONOHOE,
Minister for Public Expenditure,
National Development Plan Delivery and Reform.



GIVEN under my Official Seal,
26 April, 2023.

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.)

Currently, a child who would otherwise be eligible for Domiciliary Care Allowance but who remains in care in hospital after birth due to illness or disability is not eligible for Domiciliary Care Allowance, and the child's carer is not eligible, as the case may be, for Carer's Benefit, Carer's Allowance, and the Carer's Support Grant.

However, where Domiciliary Care Allowance is already in payment for a qualified child before that child enters hospital for the purpose of receiving temporary medical or other treatment, Domiciliary Care Allowance continues to be payable for not more than 26 weeks in a twelve-month period. In such circumstances, the carer of the child is eligible, as the case may be, for Carer's Benefit, Carer's Allowance, and the Carer's Support Grant.

Budget 23 provided that in respect of a child (otherwise eligible for domiciliary care allowance) who remains in hospital immediately after birth for medical treatment, Domiciliary Care Allowance will be payable for up to 26 weeks in a twelve-month period.

These Regulations amend the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to provide that in circumstances where a child (otherwise eligible for domiciliary care allowance) remains in hospital immediately after birth for medical treatment, the carer of the child is eligible, as the case may be, for Carer's Benefit, Carer's Allowance, and the Carer's Support Grant.

These Regulations have effect from 1 January 2023.

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