



STATUTORY INSTRUMENTS.

**S.I. No. 250 of 2012**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 7) (PROVING UNEMPLOYMENT)  
REGULATIONS 2012

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 7) (PROVING UNEMPLOYMENT) REGULATIONS 2012

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)) and 62 (amended by section 4 of the Social Welfare and Pensions Act 2010 (No. 37 of 2010)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), and by section 141 (amended by section 4 of the Social Welfare and Pensions Act 2010) of the Social Welfare Consolidation Act 2005, with the consent of the Minister for Public Expenditure and Reform, hereby make the following Regulations:

*Short title, collective citation and construction.*

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Proving Unemployment) Regulations 2012.

(2) The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2012 and these Regulations shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2012.

*Definition.*

3. In these Regulations “Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007).

*Jobseeker’s benefit — prescribed manner for proving unemployment.*

4. The Principal Regulations are amended by substituting the following article for article 52:

*“Prescribed manner for proving unemployment.*

52. (1) A person shall prove unemployment for the purposes of subsections (1)(b) and (1A) of section 62 by—

- (a) attending at an office of the Minister at such time as the Minister may direct for the purpose of making—
  - (i) a written declaration in such form as the Minister may determine, or
  - (ii) where the Minister considers it appropriate, a declaration by means of an electronic communication by way of the transmission of a signature in electronic form,

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 13th July, 2012.*

or

- (b) making a declaration in such other manner as the Minister may consider appropriate having regard to the circumstances, including by way of an electronic communication transmitted by means of the internet,

that he or she has been—

- (I) continuously unemployed since the date of his or her claim for jobseeker’s benefit, or
- (II) unemployed or expects to be unemployed during each day in respect of which jobseeker’s benefit is claimed.”.

*Jobseeker’s allowance — prescribed manner for proving unemployment.*

5. The Principal Regulations are amended by substituting the following article for article 118:

*“Prescribed manner for proving unemployment.*

118. (1) A person shall prove unemployment for the purposes of subsections (1)(b) and (1A) of section 141 by—

- (a) attending at an office of the Minister at such time as the Minister may direct for the purpose of making—
  - (i) a written declaration in such form as the Minister may determine, or
  - (ii) where the Minister considers it appropriate, a declaration by means of an electronic communication by way of the transmission of a signature in electronic form,

or

- (b) making a declaration in such other manner as the Minister may consider appropriate having regard to the circumstances, including by way of an electronic communication transmitted by means of the internet,

that he or she has been—

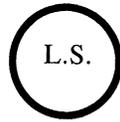
- (I) continuously unemployed since the date of his or her claim for jobseeker’s allowance, or
- (II) unemployed or expects to be unemployed during each day in respect of which jobseeker’s allowance is claimed.”.

The Minister for Public Expenditure and Reform consents to the foregoing Regulations.



GIVEN under my Official Seal,  
9 July 2012.

BRENDAN HOWLIN,  
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,  
10 July 2012.

JOAN BURTON,  
Minister for Social Protection.

## EXPLANATORY NOTE

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

One of the conditions for entitlement to Jobseeker's Benefit and Jobseeker's Allowance is that the claimant must prove unemployment in the manner prescribed in Regulations. This has generally entailed attendance at a designated local office of the Department of Social Protection on a regular basis for the purposes of making written declarations that the person has been continuously unemployed since the date of claiming Jobseeker's Benefit or Allowance or has been unemployed and expects to be unemployed during each day in respect of which that benefit or allowance is being claimed. In certain cases, such as casual workers, such declarations can be made by post.

Section 4 of the Social Welfare and Pensions Act 2010 provides for the use of electronic means for making the declarations of unemployment that are required for the purposes of claiming Jobseeker's Benefit and Jobseeker's Allowance.

Following the commencement of the provisions of section 4 of the Social Welfare and Pensions Act 2010, these Regulations enable declarations of unemployment, which are required to be made by claimants when attending at local offices to be made in electronic form. Where regular attendance at a local office is not required, these Regulations also enable declarations of unemployment to be made via the internet, where the circumstances warrant.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
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