



STATUTORY INSTRUMENTS.

S.I. No. 62 of 2013



SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 2) (NIGHT WORKERS)
REGULATIONS 2013

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 2) (NIGHT WORKERS)
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I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4, 62(9) and 141(7) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 186 of 2010)), 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. 2) (Night Workers) Regulations 2013.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013.

Commencement.

2. These Regulations come into operation on 20 February 2013.

Night workers.

3. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) are amended—

(a) in article 45 by substituting the following sub-article for sub-article (1):

“(1) Where a person is employed to work continuously from a time on any day until a time on the next following day, that person shall, for the purposes of jobseeker’s benefit, be regarded as being employed by virtue of that employment—

(a) only on the first day where the employment on the first day is longer than that on the second day and in that case that first day shall not be treated as a day of unemployment, and

(b) only on the second day in any other circumstances, and in that case that second day shall not be treated as a day of unemployment.”,

and

(b) by substituting the following article for article 119:

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 22nd February, 2013.*

“Night workers.

119. Where a person is employed to work continuously from a time on any day until a time on the next following day, that person shall, for the purposes of jobseeker’s allowance, be regarded as being employed by virtue of that employment—

- (a) only on the first day where the employment on the first day is longer than that on the second day and in that case that first day shall not be treated as a day of unemployment, and
- (b) only on the second day in any other circumstances, and in that case that second day shall not be treated as a day of unemployment.”.



GIVEN under my Official Seal,
19 February 2013.

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.)

Sections 16 and 17 of the Social Welfare Act 2012 provide that Sundays will be taken into account for the purposes of determining entitlement to Jobseeker's Benefit and Jobseeker's Allowance. These sections are being commenced with effect from 20 February 2013.

These Regulations, which also take effect from 20 February 2013, amend the rules applying to the treatment of night work for the purposes of entitlement to Jobseeker's Benefit and Allowance by taking account of night work on Sundays.

Under the revised rules, where a person works through the night from one day to another and where that person works—

- (a) for a longer period on the first day as compared with the period worked on the second day, then the person will be regarded as being employed for all of the first day and Jobseeker's Benefit or Allowance is not payable for that day, and
- (b) for a longer period on the second day as compared with the period worked on the first day, or works the same length of time on each day, then the person will be regarded as being employed for all of the second day and Jobseeker's Benefit or Allowance is not payable for that day.

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B29763). 285. 2/13. Clondalkin. Gr 30-15.