



STATUTORY INSTRUMENTS.

**S.I. No. 179 of 2015**



SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 3) (MEDICAL ASSESSOR AND  
MEDICAL CERTIFICATION) REGULATIONS 2015

S.I. No. 179 of 2015

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 3) (MEDICAL ASSESSOR AND MEDICAL CERTIFICATION) REGULATIONS 2015

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 186 of 2010)), 46, 46D (inserted by section 12 of the Social Welfare and Pensions Act 2010 (No. 37 of 2010)), 118 and 212 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. 3) (Medical Assessor and Medical Certification) Regulations 2015.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2015 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2015.

*Definition*

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

*Miscellaneous amendments to Principal Regulations*

3. The Principal Regulations are amended in the manner specified in the Schedule.

*Revocations*

4. Articles 55, 134, 140B and 170 of the Principal Regulations are revoked.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 12th May, 2015.*

## SCHEDULE

## Article 3

## Miscellaneous amendments to Principal Regulations

Item No.	Provision affected	Amendment
1	Article 24(1)(c)	Is amended by the substitution of the following subparagraph for subparagraph (iii):  “(iii) see an officer of the Minister or a medical assessor and to answer any reasonable enquiries by any such officer or medical assessor relating to his or her claim for illness benefit.”.
2	Article 28G(1)	Is amended by the substitution of the following paragraph for paragraph (c):  “(c) see an officer of the Minister or a medical assessor and to answer any reasonable enquiries by any such officer or medical assessor relating to his or her claim for partial capacity benefit.”.
3	Article 28H	Is revoked.
4	Article 78(1)	Is amended—  (a) in paragraph (a), by the substitution of “attend for or submit to any” for “attend for”, and  (b) by the substitution of the following paragraph for paragraph (c):  “(c) see an officer of the Minister or a medical assessor and to answer any reasonable enquiries by any such officer or medical assessor relating to his or her claim for invalidity pension.”.
5	Article 138	Is amended—  (a) in paragraph (a), by the substitution of “attend for or submit to any” for “attend for”, and  (b) by the substitution of the following paragraph for paragraph (c):  “(c) see an officer of the Minister or a medical assessor and to answer any reasonable enquiries by any such officer or medical assessor relating to his or her claim for disability allowance.”.



GIVEN under my Official Seal,  
7 May 2015.

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.)*

These Regulations make a number of amendments to the provisions of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) relating to illness and disability payments in the light of sections 3 and 4 of the Social Welfare (Miscellaneous Provisions) Act 2015.

Section 3 of the Social Welfare (Miscellaneous Provisions) Act 2015 provides for a new definition of the term “medical assessor” for the purposes of the Social Welfare Consolidation Act 2005 and for a number of consequential amendments to clarify the role of medical assessors in the social welfare decisions process. Article 3 of these Regulations, together with the associated Schedule, provide for a number of consequential amendments to the provisions of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 relating to disqualification for Illness Benefit, Partial Capacity Benefit, Invalidity Pension and Disability Allowance where a person fails without good cause to see an officer of the Minister and to answer any reasonable enquiries made by such an officer relating to his or her claim.

In addition to seeing and answering enquiries of an officer of the Minister, article 3 and the Schedule to these Regulations provide that a person will also be disqualified for receipt of Illness Benefit, Partial Capacity Benefit, Invalidity Pension and Disability Allowance where a person fails without good cause to see a medical assessor and to answer any reasonable enquiries made by a medical assessor relating to his or her claim.

Article 3 and the Schedule to these Regulations also align the relevant wording of the disqualifications for illness and disability payments where a person fails without good cause to attend for or submit himself or herself to any medical or other examination.

Section 4 of the Social Welfare (Miscellaneous Provisions) Act 2015 clarifies two aspects of the legislative provisions that apply to the Carer’s Benefit, Carer’s Allowance and Respite Care Grant schemes relating to—

- (a) the circumstances in which a person is to be considered as requiring full-time care and attention for the purposes of qualifying for these schemes, and
- (b) the determination of eligibility for these schemes by a deciding officer.

Section 4 of the Social Welfare (Miscellaneous Provisions) Act 2015, *inter alia*, deletes the regulatory powers enabling the Minister to prescribe the manner in which a registered medical practitioner is to certify the nature and extent of the disability of the person who requires full-time care and attention. As a consequence, article 4 of these Regulations revokes articles 55, 134, 140B and 170 of the 2007 Consolidated Claims, Payments and Control Regulations, which prescribe the manner for certification by a registered medical practitioner of the

nature and extent of the person's disability for the purposes of the Carer's Benefit, Carer's Allowance, Domiciliary Care Allowance and Respite Care Grant schemes.

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