



STATUTORY INSTRUMENTS.

S.I. No. 128 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 1) (ASSESSMENT OF SPOUSE'S
EARNINGS) REGULATIONS 2023

S.I. No. 128 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 1) (ASSESSMENT OF SPOUSE'S EARNINGS) REGULATIONS 2023

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (amended by section 10 of the Social Welfare Act 2020 (No. 30 of 2020)) of the Social Welfare Consolidation Act 2005, and by Rule 1(2)(b)(vi) of Part 2 of Schedule 3 to the Social Welfare Consolidation Act 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. 1) (Assessment of Spouse's Earnings) Regulations 2023.

(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 2023.

Commencement

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

Definition

3. In these Regulations—

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

Income limit – qualified adult

4. The Principal Regulations are amended in article 7—

- (i) in sub-article (2), by the substitution of “Subject to sub-article (2A), in the case of” for “In the case of”,
- (ii) by the insertion of the following sub-article after sub-article (2):

“(2A) Sub-article (2) shall not apply where a person is entitled to or in receipt of jobseeker's allowance, and their spouse, civil partner, or cohabitant is a participant under a scheme provided by the Minister and known as Community Employment, and their

participation commences on or after 1 January 2023.”,

- (iii) in sub-article (4), by the substitution of “Subject to sub-article (4A), in the case of” for “In the case of”,

and

- (iv) by the insertion of the following sub-article after sub-article (4):

“(4A) Sub-article (4) shall not apply where a person is entitled to or in receipt of jobseeker’s allowance, and their spouse, civil partner, or cohabitant is a participant under a scheme provided by the Minister and known as Community Employment, and their participation commences on or after 1 January 2023.”.

Assessment of spouse’s earnings

5. The Principal Regulations are amended in article 153 (amended by article 8 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012)—

- (i) in sub-article (1), by the substitution of “article 7(2), (2A), (4) and (4A) apply,” for “article 7(2) and (4) apply”,
- (ii) in sub-article (2), by the substitution of “Subject to sub-article (2A), for the purposes of” for “For the purposes of”,
- (iii) by the insertion of the following sub-article after sub-article (2):

“(2A) For the purposes of sub-article (2), in the case where article 7(2A) or (4A) apply, the value of money derived shall be half the value calculated in accordance with sub-article (2).”.

and

- (iv) in sub-article (4), by the insertion of the following paragraph after paragraph (e):

“(f) any amount payable, on or after 1 January 2023, by way of an increase for a qualified child, to the spouse, civil partner, or cohabitant, who is a participant under a scheme provided by the Minister and known as Community Employment, of a person entitled to or in receipt of jobseeker’s allowance.”.

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



GIVEN under my Official Seal,
8 March, 2023.

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



GIVEN under my Official Seal,
8 March, 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.)

These Regulations provide that where a person is in receipt of Jobseeker's Allowance, and their spouse, civil partner, or cohabitant is a participant of a Community Employment Scheme, commencing on or after 1 January 2023, an increase for a qualified adult is not payable.

These Regulations also provide that where a person is in receipt of Jobseeker's Allowance, and their spouse, civil partner, or cohabitant is a participant of a Community Employment Scheme, commencing on or after 1 January 2023, half the value of the amount calculated from the means assessment shall be disregarded for Jobseeker's Allowance means purposes.

In addition, any increase for qualified children payable to the Community Employment Scheme participant is disregarded when calculating means for Jobseeker's Allowance means purposes.

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