



STATUTORY INSTRUMENTS.

S.I. No. 641 of 2024

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 19) (POSTPONEMENT OF
MATERNITY BENEFIT IN CERTAIN CIRCUMSTANCES)
REGULATIONS 2024

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 19) (POSTPONEMENT OF MATERNITY BENEFIT IN CERTAIN CIRCUMSTANCES) REGULATIONS 2024

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (amended by section 14 and reference 1 of the Schedule to the Social Welfare (Miscellaneous Provisions) Act 2024 (No. 24 of 2024)) and 47(7A) (inserted by section 6 of the Maternity Protection, Employment Equality and Preservation of Certain Records Act 2024 (No. 37 of 2024)) of the Social Welfare Consolidation Act 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. 19) (Postponement of Maternity Benefit in Certain Circumstances) Regulations 2024.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2024 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2024.

Commencement

2. These Regulations come into operation on 20 November 2024.

Interpretation

3. In these Regulations—

“Act of 1994” means the Maternity Protection Act 1994; and

“Serious health condition” has the meaning assigned to it by Section 14C(11) of the Act of 1994.

Postponement of maternity benefit in the event a serious health condition.

4. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) are amended by the insertion of the following Article after Article 30:

“Postponement of maternity benefit in the event of a serious health condition.

30A. (1) Subject to this article, a claimant, upon written request to the Minister, in the form for the time being approved by the Minister, may postpone the payment of maternity benefit where the claimant is an

employed contributor and it is certified by that person's employer that the claimant is entitled to the postponement of maternity leave under the provisions of section 14C (inserted by section 3 of the Maternity Protection, Employment Equality and Preservation of Certain Records Act 2024 (No. 37 of 2024)) of the Act of 1994.

(2) Subject to sub-article (3), a claimant, upon written request to the Minister, in the form for the time being approved by the Minister, may be entitled to resume the payment of maternity benefit where the claimant is an employed contributor and it is certified by that person's employer that the claimant is entitled to resume postponed maternity leave under the provisions of section 14C of the Act of 1994.

(3) For the purposes of sub-article (2), upon resumption of the period of entitlement to maternity leave, maternity benefit shall be paid –

- (a) in one continuous period commencing not later than 7 days after either:
 - (i) the ‘end date’ specified in relevant notification provided to their employer under section 14C(2) of the Act of 1994, or
 - (ii) the ‘second end date’ specified in a second notification provided to their employer under section 14C(7) of the Act of 1994,

and

- (b) for the duration of the remaining period of maternity benefit to which that person is entitled, subject to a maximum of 26 weeks.

(4) The minimum period for which maternity benefit may be postponed under the provisions of this article is 5 weeks.

(5) The maximum period for which maternity benefit may be postponed under the provisions of this article is 52 weeks.

(6) Subject to sub-article (5), one, and only one, postponement of maternity benefit may be availed of under the provisions of this article, and the duration of the postponement may be extended on one, and only one, occasion.”



GIVEN under my Official Seal,
20 November, 2024.

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 for the option of postponement of the payment of maternity benefit in the event of the person who is entitled to that benefit having a serious health condition within the meaning of section 14C of the Maternity Protection Act 1994.

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