



STATUTORY INSTRUMENTS.

S.I. No. 634 of 2024

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 14) (JOBSEEKER'S PAY-RELATED
BENEFIT) REGULATIONS 2024

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 14) (JOBSEEKER'S PAY-RELATED BENEFIT) REGULATIONS 2024

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (amended by reference 1 of the Schedule to the Social Welfare (Miscellaneous Provisions) Act 2024 (No. 24 of 2024)), 68KC, 68KD and 68KE, (inserted by section 13 of the Social Welfare (Miscellaneous Provisions) Act 2024 (No. 24 of 2024)) of the Social Welfare Consolidation Act 2005 (No. 26 of 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. 14) (Jobseeker's Pay-Related Benefit) 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 31 March 2025.

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

Jobseeker's Pay-Related Benefit

4. The Principal Regulations are amended in Part 2 by the insertion of the following Chapter after Chapter 5A -

“CHAPTER 5AA

Jobseeker's Pay-Related Benefit

Definitions

52HC. In this Chapter-

“applicable period” has the meaning assigned to it by section 68KA;

“applicable week” has the meaning assigned to it by section 68KA.

Persons who are considered to be unemployed for the purposes of jobseeker's pay-related benefit

52HD. (1) For the purposes of this Chapter and Chapter 12AA of Part 2 of the Principal Act, a person shall be considered to be unemployed in an applicable week if he or she -

- (a) has lost their principal employment and has ceased to earn an income from that employment, and that income was subject to employment contributions under section 13 or article 87 of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996,
 - (b) is not a person to whom article 52HE applies, and
 - (c) proves to the satisfaction of the Minister that he or she is unemployed, capable of work and is available for employment.
- (2) Subject to sub-article (1), a person shall be considered to be unemployed in circumstances where he or she engages in employment which could ordinarily have been followed by him or her in addition to his or her principal employment and outside the ordinary working hours of that employment and –
- (a) the total remuneration or profit from any week of such occupation does not exceed €144 or €7,500 on an annual basis, or
 - (b) not less than 117 employment contributions have been paid in respect of him or her in respect of the period of 3 years immediately preceding that week or in respect of the last 3 complete contribution years immediately preceding that week.
- (3) Sub-article (1)(c) shall not apply where a person is undergoing a course of rehabilitation training provided by an organisation (being an organisation approved of by the Minister for Health for the purposes of the provision of such training).

Persons who are considered not to be unemployed for the purposes of jobseeker's pay-related benefit

52HE. (1) For the purposes of this Chapter and Chapter 12AA of Part 2 of the Principal Act and subject to article 52HD(2), the following classes of a persons shall be considered not to be unemployed where he or she is engaged in –

- (a) employment as a retained firefighter or in circumstances in which he or she is engaged in part-time employment or,
- (b) employment that is classed as any of the following –
 - (i) Seasonal,
 - (ii) Work as defined under sub-article (3), or
 - (iii) Short-time employment.

(2) For the purposes of sub-article (1)(b)(i), a person shall be regarded as being engaged in seasonal employment where -

- (a) He or she is employed on an annual or other recurring basis as a result of a particular seasonal variation in the amount of work available in that employment or sector of employment, and
- (b) On the termination of each period of employment he or she has no assurance of being re-employed with the same employer.

(3) A person shall be considered to be engaged in work under sub-article (1)(b)(ii) where he or she is employed in a form of employment that involves a recurring pattern of employment and unemployment reflecting the dates of the academic year.

(4) For the purposes of sub-article (1)(b)(iii), “short-time employment” has the meaning assigned to it by section 2(1).

(5) In determining if a person is unemployed, for the purposes of sub-article (1), account shall be taken of -

- (a) the age of the person,
- (b) the type, nature, duration or pattern of the employment or previous employment of the person,
- (c) the nature or identity of the employer or employers of the person,
- (d) typical employment patterns in the economic sector in which the person is employed, is normally employed or was previously employed,
- (e) the extent to which the person has lost, or is expected to lose, earnings or income,
- (f) the extent to which the person has retained, or is expected to retain, levels of employment, and
- (g) the reason for which, and circumstances in which, the person has lost employment.

Qualifying conditions – jobseeker’s pay-related benefit.

52HH. (1) For the purposes of section 68KD(2), the contribution conditions for jobseeker’s pay-related benefit for persons who, in the period immediately, or within 13 weeks, prior to their application for jobseeker’s pay-related benefit, were -

- (a) in receipt of maternity benefit,
- (b) in receipt of adoptive benefit,
- (c) in receipt of health and safety benefit,
- (d) in receipt of carer’s benefit,
- (e) taking additional maternity leave in accordance with the Maternity Protection Act 2024,

- (f) taking such other statutory entitlement to leave or benefit for the purposes of caring as may be approved by or on behalf of the Minister from time to time,

are that the claimant –

- (i) has employment contributions or optional contributions paid in respect of not less than 104 contribution weeks in the period between his or her entry into insurance and the beginning of an applicable period, and
- (ii) (I) has employment contributions paid in respect of not less than 26 contribution weeks in the period of 52 contribution weeks immediately prior to the beginning of an applicable period, or
- (II) has employment contributions paid in respect of not less than 26 contribution weeks in the period of 52 contribution weeks immediately prior to their claim for the benefits listed in paragraphs (a) to (d) of sub-article (1), or prior to the leave or benefit referred to paragraphs (e) or (f) of sub-article (1), or
- (III) has employment contributions paid or credited contributions in respect of not less than 26 contribution weeks in the period of 52 contribution weeks immediately prior to the beginning of an applicable period.

(2) Where a claimant would be entitled to jobseeker's pay-related benefit but for the fact that he or she does not satisfy the requirements contained in section 68KD(1)(b) for the reason that he or she was in receipt of paternity benefit during this period, he or she shall be deemed to satisfy the conditions under 68KD.

(3) Where a claimant would be entitled to jobseeker's pay-related benefit but for the fact that he or she does not satisfy the requirements contained in section 68KD(1)(b) for the reason that he was in receipt of parent's benefit during this period, he or she shall be deemed to satisfy the conditions under 68KD.

(4) Where a claimant referred to in sub-article (3) was in receipt of a benefit or had taken leave as set out in sub-article (1) immediately before claiming parent's benefit, then sub-article (1) shall apply.

(5) The contribution conditions for jobseeker's pay-related benefit for persons who, immediately before their application for jobseeker's pay-related benefit, were in receipt of illness benefit, or were in receipt of partial capacity benefit and immediately before their claim for that benefit were in receipt of illness benefit, are that the claimant –

- (a) has employment contributions or optional contributions paid in respect of not less than 104 contribution weeks in the period between his or her entry into insurance and the beginning of an applicable period,
- (b) (i) has employment contributions paid or credited contributions in respect of not less than 4 contribution

weeks in the period of 10 contribution weeks immediately prior to the week in which the application for benefit is made, and

- (ii) has employment contributions paid immediately prior to the start of his or her claim for illness benefit, and
- (c) (i) has employment contributions paid in respect of not less than 26 contribution weeks in the period of 52 contribution weeks immediately prior to the beginning of an applicable period, or
- (ii) has employment contributions paid in respect of not less than 26 contribution weeks in the period of 52 contribution weeks immediately before their claim for illness benefit.

Rate of Benefit.

52HI. (1) In accordance with section 68KE(6), for the purposes of this Chapter and Chapter 12AA of the Principal Act, weekly reckonable earnings means -

- (a) in the case where a person has earnings from more than one employment, the person's reckonable earnings in the 52 week period ending 8 weeks before the first date of unemployment in respect of the income from the person's employment or employments that ceased prior to the person becoming unemployed for the purposes of Chapter 12AA that was subject to employment contributions under section 13 or article 87 of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 divided by the total number of qualifying contributions in that 52 week period.
- (b) in the case of a person to whom articles 52HH(1), 52HH(4) or 52HH(5) refer -
 - (i) the person's reckonable earnings in respect of the income from the person's employment or employments that ceased prior to the person becoming unemployed for the purposes of Chapter 12AA that was subject to employment contributions under section 13 or article 87 of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 in the 52-week period ending 8 weeks before the first date of unemployment divided by the total number of qualifying contributions in that 52-week period, or
 - (ii) the person's reckonable earnings in respect of the income from the person's employment or employments that ceased prior to the person becoming unemployed for the purposes of Chapter 12AA that was subject to employment contributions under section 13 or article 87 of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 in the 52 week period before the first date

for which the person claimed the relevant benefit or leave divided by the total number of qualifying contributions in that 52 week period, or

- (iii) as may be determined by the Minister where the person can demonstrate an increase to their earnings in the period between the date when the person claimed the benefit or took the leave referred to in articles 52HH(1)(a) to (f) or 52HH(5) and the date on which they became unemployed, whichever is more favourable.

(2) In the case of a person to whom sub-article (1) applies, the amount of jobseeker's pay-related benefit payable is the amount calculated in accordance with section 68KE(1) and section 68KE(2) appropriate to the weekly reckonable earnings calculated in sub-article (1) in respect of that person.”.

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

GIVEN under my Official Seal,
6 November, 2024.

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

GIVEN under my Official Seal,
6 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.)

The Social Welfare (Miscellaneous Provisions) Act 2024 amended the Social Welfare Consolidation Act 2005 to provide for a new social insurance scheme entitled Jobseeker's Pay-Related Benefit which provides that the amount of benefit a person may get when they become unemployed will be directly linked to their previous earnings. The scheme will commence from 31st March 2025 and will be available to people who have a strong and recent attachment to the labour market and who are available for and genuinely seeking employment.

The Regulations provide that the scheme will be available to those who are fully unemployed and have lost their principal employment where the income which was subject to the relevant employment contributions (Classes A and H Pay-Related Social Insurance). Persons working part-time, short time, on a casual or seasonal basis including those in the educational sector will continue to be eligible for the existing Jobseeker's Benefit scheme.

The Regulations also provide for the modification of PRSI contribution conditions and rate of payment for persons in certain circumstances, including where they were in receipt of certain payments or availing of certain statutory leave prior to their claim for Jobseeker's Pay-Related Benefit.

These Regulations, which come into effect from 31st March 2025, amend the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) by inserting a new Chapter 5AA into Part 2 containing a number of provisions required for the new Jobseeker's Pay-Related Benefit.

Key features of the new scheme include:

- The weekly rate of payment for people who have at least 5 years paid PRSI contributions will be set at 60% of previous earnings, subject to a maximum of €450 for the first 3 months.
- After that, the rate will reduce to 55% of earnings, subject to a maximum of €375 for the following 3 months.
- A further 3 months will be paid at the rate of 50%, up to a maximum €300 payment.
- For people who have between 2 and 5 years paid contributions, the rate will be set at 50% of previous earnings subject to a maximum for €300 per week and 6 month's duration.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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