



STATUTORY INSTRUMENTS.

S.I. No. 36 of 2021

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 5) (JOBSEEKER'S BENEFIT AND
JOBSEEKER'S BENEFIT (SELF-EMPLOYED) – PERSONS WHO HAVE
ATTAINED THE AGE OF 65 YEARS) REGULATIONS 2021

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 5) (JOBSEEKER'S BENEFIT AND JOBSEEKER'S BENEFIT (SELF-EMPLOYED) – PERSONS WHO HAVE ATTAINED THE AGE OF 65 YEARS) REGULATIONS 2021

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (as adapted by the Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 447 of 2020)), subparagraphs (ii) and (iii) of 62(5)(a), 62(7), 68A(1), 68C(2) and 292 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), with the consent of the Minister for Public Expenditure 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. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) – Persons who have attained the age of 65 years) Regulations 2021.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2021 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2021.

Commencement

2. These Regulations come into operation on the 25th day of January 2021.

Arrangements for jobseeker claimants over 65 years of age

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

(a) in article 14—

- (i) in sub-article (1) (amended by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (One-Parent Family Payment) Regulations 2012 (S.I. No. 141 of 2012)) by the insertion, after “178B(3),” of “and for the purposes of Chapters 12 and 12A of Part 2,” and
- (ii) by the insertion of the following sub-article after sub-article (8):

“(9) This article shall not apply to a person who, but for sections 68A or 68K(2) would otherwise qualify for jobseeker's benefit or jobseeker's benefit (self-employed)

from the date that person attains the age of 65 years where that person is a person-

- (a) who, prior to that date had commenced in full-time education or a course of study within the meaning of section 148(2),

or

- (b) who, on or after that date, commences full-time education or a course of study within the meaning of section 148.”,

- (b) in article 15-

- (i) in sub-article (1) (amended by article 6 of the Social Welfare (Consolidated Claims, Payments and Control)(Amendment) (No.11)(Jobseeker’s Benefit (Self-Employed)) Regulations 2019 (S.I. No. 551 of 2019)) by the substitution of “sub-articles (1A) and” for “sub-article”, and

- (ii) by the insertion of the following sub-article after sub-article (1):

“(1A) For the purposes of sections 62(5)(a)(ii) and (iii) and 68C(2), a person who has attained the age of 65 years who would otherwise qualify for jobseeker’s benefit or jobseeker’s benefit (self-employed), shall be exempt from being required to be available for employment and genuinely seeking work, and this article shall not apply to such a person.”,

- (c) in article 16-

- (i) in sub-article (1) (amended by article 7 of the Social Welfare (Consolidated Claims, Payments and Control)(Amendment) (No.11)(Jobseeker’s Benefit (Self-Employed)) Regulations 2019 (S.I. No. 551 of 2019)) by the substitution of “Subject to sub-article (1A), for ” for “For”, and

- (ii) by the insertion of the following sub-article after sub-article (1):

“(1A) This article shall not apply to a person who, but for sections 62(7) and 68C(2) would otherwise qualify for jobseeker’s benefit or jobseeker’s benefit (self-employed), where that person is a person who has attained the age of 65 years.”,

- (d) in article 47(1), by the substitution of “Subject to article 52HA, for ” for “For”,

- (e) in article 48, by the substitution of “Subject to article 52HA, where ” for “Where”,

- (f) in article 52, by the insertion of the following sub-article after sub-article (1):

“(2) Article 52(1)(a) shall not apply to a person who has attained the age of 65 years, and who would otherwise, but for this article, qualify for jobseeker’s benefit.”,

- (g) in article 52F(3), by the substitution of “68J” for “62J”,
- (h) in article 52G, by the insertion of the following sub-article after sub-article (1):

“(2) Article 52G(1)(a) shall not apply to a person who has attained the age of 65 years, and who would otherwise, but for this article, qualify for jobseeker’s benefit (self-employed).”,

- (i) by the insertion of the following article after article 52H:

“Rates of payment for claimants over 65 years of age

52HA. Where a claimant who would otherwise qualify for jobseeker’s benefit or jobseeker’s benefit (self-employed) has attained the age of 65 years, then notwithstanding any provision in the Act or these Regulations, and in accordance with section 292,

- (a) the weekly rate of jobseeker’s benefit or jobseeker’s benefit (self-employed) shall be as set out in column (2) of Part 1 of Schedule 2 to the Act,
- (b) and except in the case where article 9 applies, the weekly rate of jobseeker’s benefit or jobseeker’s benefit (self-employed) shall be increased by the amount set out in column (3) of Part 1 of Schedule 2 to the Act for any period during which the beneficiary has a qualified adult, subject to the restriction that a beneficiary shall not be entitled for the same period to an increase of benefit in respect of more than one person,
- (c) in accordance with section 66 and section 68G, the weekly rate of jobseeker’s benefit or jobseeker’s benefit (self-employed) shall be increased by the amount set out—
 - (i) in column (4) of Part 1 of Schedule 2 to the Act in respect of each qualified child who has not attained the age of 12 years who normally resides with the beneficiary,
and
 - (ii) in column (5) of Part 1 of Schedule 2 to the Act in respect of each qualified child who has attained the age of 12 years who normally resides with the beneficiary.”.

The Minister for Public Expenditure and Reform consents to the foregoing Regulations.



GIVEN under my Official Seal,
27 January, 2021.

MICHAEL MCGRATH,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
28 January, 2021.

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 confirm that a person who has reached the age of 65 years, who would otherwise qualify for Jobseeker's Benefit or Jobseeker's Benefit (self-employed), will not be obliged to meet the ongoing requirements of those schemes in relation to availability for work, genuinely seeking work, signing-on or activation.

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(DEASP-91) 75. 2/21. Propylon.