



STATUTORY INSTRUMENTS.

S.I. No. 201 of 2022

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENT AND
CONTROL) (AMENDMENT) (NO. 6) (CARERS ALLOWANCE)
REGULATIONS 2022

**SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENT AND CONTROL) (AMENDMENT) (NO. 6) (CARERS ALLOWANCE)
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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)) and 179(2) 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, Payment and Control) (Amendment) (No. 6) (Carers Allowance) Regulations 2022.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payment 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 2022.

Commencement

2. These Regulations come into operation on 24 January 2022.

Interpretation

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

Circumstances in which carer is to be regarded as providing full-time care and attention

4. The Principal Regulations are amended in article 136 (amended by the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Carer’s Allowance)

Regulations 2016 (S.I. No. 620 of 2016)) by the insertion of the following sub-article after sub-article (1):

“(1A) Notwithstanding sub-article (1), a carer may continue to be regarded as providing full-time care and attention to a relevant person who has not attained the age of 16 years and is a person in respect of whom a payment under Chapter 8A of Part 3 is being made, where he or she would qualify for payment of an allowance but for the fact that the relevant person is undergoing medical or other treatment of a temporary nature in an institution for a period not longer than 26 weeks.”.

Information to be given when making a claim

5. The Principal Regulations are amended in sub-article (6) of article 181 (amended by the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021 (S.I. No. 623 of 2021)) by the substitution of the following paragraph for paragraph (ab):

“(ab) certification that the claimant has availed of -

- (i) adoptive leave,
- (ii) health and safety leave,
- (iii) maternity leave,
- (iv) parental leave,
- (v) parent's leave, or
- (vi) paternity leave,

as the case may be, and the periods of such leave, and”.

GIVEN under my Official Seal,
26 April, 2022.

HEATHER HUMPHREYS,
Minister for Social Protection.

L.S.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The Regulations provide for a doubling of the period during that a person in receipt of carers allowance may continue to be regarded as providing full-time care and attention to a child in respect of whom domiciliary care allowance is being made, while the child is undergoing medical or other treatment in a hospital or other institution. The period is increased from 13 weeks to 26 weeks in a 12-month period.

In addition these regulations correct a typographical error in article 181.

These Regulations take effect from 24 January 2022.

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