



STATUTORY INSTRUMENTS.

**S.I. No. 592 of 2024**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 5)  
(STATE PENSION (CONTRIBUTORY) – CALCULATION OF PENSION  
IN ACCORDANCE WITH SECTION 109(6D)) REGULATIONS 2024

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 5)  
(STATE PENSION (CONTRIBUTORY) – CALCULATION OF PENSION  
IN ACCORDANCE WITH SECTION 109(6D)) REGULATIONS 2024

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (amended by section 10 of the Social Welfare Act 2020 (No. 30 of 2020)), 109(8) and 297 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. 5) (State Pension (Contributory) – Calculation of Pension in accordance with section 109(6D)) Regulations 2024.

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

**Definitions**

2. In these Regulations:

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

“Regulations of 2012” means the Social Welfare (Consolidated Claims, Payments and Control) (Amendment No. 12) (Reduced Rates) Regulations 2012 (S.I. No. 573 of 2012);

“Regulations of 2019” means the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019 (S.I. No. 40 of 2019);

“Regulations of 2023” means the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (State Pension (Contributory) – Long-Term Carer’s Qualifying Contribution) Regulations 2023 (S.I. No. 690 of 2023).

**Commencement**

3. These Regulations come into operation on 1 January 2025.

### **Calculation of pension in accordance with section 109(6D)**

4. The Principal Regulations are amended –
- (a) in article 10, (amended by article 7(a) of the Regulations of 2012), by the substitution of “Subject to articles 62, 62A, 62B, 62C, 62E, 65A” for “Subject to articles 62, 62A, 62B, 65, 65A,”,
  - (b) in article 59, (amended by article 4(a) of the Regulations of 2023) by the insertion of the following definitions:
    - “‘yearly average approach’ has the meaning assigned to it by section 108(2);
    - ‘deferred pensionable age’ has the meaning assigned to it by section 108(2);”,  - (c) in article 62, by the substitution of the following sub-article for sub-article (1) (amended by article 4 of the Regulations of 2012):
    - “(1) Subject to sub-article (2), where a person attains pensionable age on or after 1 September 2012, or deferred pensionable age, as the case may be, prior to 1 January 2025, and would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall, where that person’s yearly average is not less than 10, be entitled to State pension (contributory) at a rate determined in accordance with this article.”,  - (d) in article 62C(1), (inserted by article 3(c) of the Regulations of 2019)–
    - (i) by the substitution of “Subject to sub-article (2), in the case” for “In the case”,

and

    - (ii) by the insertion of “being a person who attained pensionable age or deferred pensionable age, as the case may be, prior to 1 January 2025,” after “aggregated contributions method,”,
  - (e) by the insertion of the following articles after article 62C:
- “Partial satisfaction of contribution conditions for State pension (contributory) where a claimant attains pensionable age or deferred pensionable age after 1 January 2025.**
- 62D. (1) Subject to sub-article (2), and in accordance with section 109(8), where a claimant attains pensionable age or deferred pensionable age, as the case may be, on or after 1 January 2025 and would be entitled to an age referenced rate of State pension (contributory) but for the fact that the relevant yearly average contributions specified in section 109(1)(c) are not met, the weekly rate of State pension

(contributory) specified in Schedule 8C to these Regulations, applicable to that person by reference to his or her yearly average and age reference rate, shall be the amount which shall be subject to the the yearly average approach calculation in accordance with whichever of paragraphs (a)(ii)(I), (b)(ii)(I), (c)(ii)(I), (d)(ii)(I), (e)(ii)(I), (f)(ii)(I), (g)(ii)(I), or (h)(ii)(I), of section 109(6D), applies to that person.

- (2) Sub-article (1) shall apply in the case of a claimant –
  - (a) who has a yearly average of not less than 10, and
  - (b) who has qualifying contributions in respect of not less than 520 contribution weeks since entry into insurance.
- (3) In the case of a claimant to whom sub-article (1) applies, where their yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 8C to these Regulations, the age reference rate of State pension (contributory) calculated in accordance with the yearly average approach for the purposes of 109(6D) shall be–
  - (a) in the case of a claimant who has attained pensionable age, or by virtue of section 109(1B) is regarded as having attained a deferred pensionable age of 66 years, the amount of the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person,
  - (b) in the case of a claimant who has a deferred pensionable age of 67, or by virtue of section 109(1B) is regarded as having attained a deferred pensionable age of 67 years, the weekly rate set out in column (3) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person,
  - (c) in the case of a claimant who has a deferred pensionable age of 68, or by virtue of section 109(1B) is regarded as having attained a deferred pensionable age of 68 years, the weekly rate set out in column (4) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person,
  - (d) in the case of a claimant who has a deferred pensionable age of 69, or by virtue of section

109(1B) is regarded as having attained a deferred pensionable age of 69 years, the weekly rate set out in column (5) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person,

- (e) in the case of a claimant who has a deferred pensionable age of 70, the weekly rate set out in column (6) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person.

**Calculation of increase for qualified adult where claimant attains pensionable age or deferred pensionable age on or after 1 January 2025.**

62E. (1) This article applies in respect of any increase payable, in accordance with section 297, in respect of the qualified adult of a claimant whose pension is calculated in accordance with section 109(6D).

- (2) In this article “percentage rate payable to the claimant” means the amount of State pension (contributory) determined as payable to a claimant in accordance with section 109(6D), divided by the maximum rate of the same age-referenced rate of State pension (contributory) specified in column 2 of Part 1 of Schedule 2, as would be applicable and payable to that claimant, had he or she qualified for the maximum rate of that age referred rate, multiplied by 100, and expressed as a percentage.
- (3) Where a qualified adult’s weekly income exceeds the highest amount specified in column (1) of Schedule 2B, no increase in respect of that qualified adult shall be payable.
- (4) The increase payable in respect of a qualified adult who has attained pensionable age shall be-
  - (a) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 66 years, the amount which results when the amount specified in column (2) of Schedule 2B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant,
  - (b) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 67 years, the amount which results

- when the amount specified in column (3) of Schedule 2B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant,
- (c) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 68 years, the amount which results when the amount specified in column (4) of Schedule 2B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant,
  - (d) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 69 years, the amount which results when the amount specified in column (5) of Schedule 2B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant,
  - (e) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 70 years, the amount which results when the amount specified in column (6) of Schedule 2B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant.
- (5) The increase payable in respect of a qualified adult who has not attained pensionable age shall be-
- (a) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 66 years, the amount which results when the amount specified in column (2) of Schedule 3B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant,
  - (b) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 67 years, the amount which results

when the amount specified in column (3) of Schedule 3B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant,

- (c) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 68 years, the amount which results when the amount specified in column (4) of Schedule 3B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant,
- (d) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 69 years, the amount which results when the amount specified in column (5) of Schedule 3B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant,
- (e) in the case of a claimant to whom State pension (contributory) is payable at the age referenced rate for age 70 years, the amount which results when the amount specified in column (6) of Schedule 3B, opposite the relevant band of income in column (1) of that Schedule that corresponds to the weekly income of the qualified adult, is multiplied by percentage rate payable to the claimant.",
- (f) by the insertion of the following Schedule after Schedule 2A:

### **“Schedule 2B**

#### *Articles 62E*

**Calculation of increase for qualified adult where claimant has attained pensionable age or deferred pensionable age on or after 1 January 2025 and qualified adult has attained pensionable age**

State Pension (Contributory)					
Weekly income of Qualified Adult Over 66 (1)	Where Claimant entitled to Age Referenced rate for 66 (2)	Where Claimant entitled to Age Referenced rate for 67 (3)	Where Claimant entitled to Age Referenced rate for 68 (4)	Where Claimant entitled to Age Referenced rate for 69 (5)	Where Claimant entitled to Age Referenced rate for 70 (6)
	€	€	€	€	€
Less than or equal to €100.00	248.60	260.30	273.20	287.10	302.30
Exceed €100.01 but do not exceed €110.00	239.20	250.40	262.90	276.30	290.90
Exceed €110.01 but do not exceed €120.00	229.80	240.60	252.60	265.40	279.40
Exceed €120.01 but do not exceed €130.00	220.40	230.80	242.20	254.60	268.00
Exceed €130.01 but do not exceed €140.00	211.00	220.90	231.90	243.70	256.60
Exceed €140.01 but do not exceed €150.00	201.60	211.10	221.60	232.80	245.10
Exceed €150.01 but do not exceed €160.00	192.20	201.20	211.20	222.00	233.70
Exceed €160.01 but do not exceed €170.00	182.80	191.40	200.90	211.10	222.30
Exceed €170.01 but do not exceed €180.00	173.40	181.50	190.60	200.30	210.90
Exceed €180.01 but do not exceed €190.00	164.00	171.70	180.20	189.40	199.40
Exceed €190.01 but do not exceed €200.00	154.60	161.90	169.90	178.60	188.00
Exceed €200.01 but do not exceed €210.00	145.20	152.00	159.60	167.70	176.60
Exceed €210.01 but do not exceed €220.00	135.80	142.20	149.20	156.80	165.10
Exceed €220.01 but do not exceed €230.00	126.40	132.30	138.90	146.00	153.70
Exceed €230.01 but do not exceed €240.00	117.00	122.50	128.60	135.10	142.30
Exceed €240.01 but do not exceed €250.00	107.60	112.70	118.30	124.30	130.80
Exceed €250.01 but do not exceed €260.00	98.20	102.80	107.90	113.40	119.40
Exceed €260.01 but do not exceed €270.00	88.80	93.00	97.60	102.60	108.00
Exceed €270.01 but do not exceed €280.00	79.40	83.10	87.30	91.70	96.60
Exceed €280.01 but do not exceed €290.00	70.00	73.30	76.90	80.90	85.10
Exceed €290.01 but do not exceed €300.00	60.60	63.40	66.60	70.00	73.70
Exceed €300.01 but do not exceed €310.00	51.20	53.60	56.30	59.10	62.30

",

(g) by the insertion of the following Schedule after Schedule 3A:

**“Schedule 3B**

**Articles 62E**

**Calculation of increase for qualified adult where claimant attains pensionable age or deferred pensionable age on or after 1 January 2025, and qualified adult has not attained pensionable age**

<b>State Pension (Contributory)</b>					
Weekly income of Qualified Adult Under 66 (1)	Where Claimant entitled to Age Referenced rate for 66 (2)	Where Claimant entitled to Age Referenced rate for 67 (3)	Where Claimant entitled to Age Referenced rate for 68 (4)	Where Claimant entitled to Age Referenced rate for 69 (5)	Where Claimant entitled to Age Referenced rate for 70 (6)
Less than or equal to €100.00	€ 184.70	€ 193.40	€ 203.00	€ 213.30	€ 224.60
Exceed €100.01 but do not exceed €110.00	177.70	186.10	195.30	205.20	216.10
Exceed €110.01 but do not exceed €120.00	170.70	178.70	187.60	197.20	207.60
Exceed €120.01 but do not exceed €130.00	163.70	171.40	179.90	189.10	199.10
Exceed €130.01 but do not exceed €140.00	156.70	164.10	172.20	181.00	190.50
Exceed €140.01 but do not exceed €150.00	149.70	156.70	164.50	172.90	182.00
Exceed €150.01 but do not exceed €160.00	142.70	149.40	156.80	164.80	173.50
Exceed €160.01 but do not exceed €170.00	135.70	142.10	149.10	156.70	165.00
Exceed €170.01 but do not exceed €180.00	128.70	134.70	141.40	148.60	156.50
Exceed €180.01 but do not exceed €190.00	121.70	127.40	133.70	140.60	148.00
Exceed €190.01 but do not exceed €200.00	114.70	120.10	126.10	132.50	139.50
Exceed €200.01 but do not exceed €210.00	107.70	112.80	118.40	124.40	131.00
Exceed €210.01 but do not exceed €220.00	100.70	105.40	110.70	116.30	122.50
Exceed €220.01 but do not exceed €230.00	93.70	98.10	103.00	108.20	113.90
Exceed €230.01 but do not exceed €240.00	86.70	90.80	95.30	100.10	105.40
Exceed €240.01 but do not exceed €250.00	79.70	83.40	87.60	92.10	96.90
Exceed €250.01 but do not exceed €260.00	72.70	76.10	79.90	84.00	88.40
Exceed €260.01 but do not exceed €270.00	65.70	68.80	72.20	75.90	79.90
Exceed €270.01 but do not exceed €280.00	58.70	61.50	64.50	67.80	71.40
Exceed €280.01 but do not exceed €290.00	51.70	54.10	56.80	59.70	62.90

Exceed €290.01 but do not exceed €300.00 Exceed €300.01 but do not exceed €310.00	44.70 37.70	46.80 39.50	49.10 41.40	51.60 43.50	54.40 45.80
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”,

and

(h) by the insertion of the following Schedule after Schedule 8B:

**“Schedule 8C**

*Article 62D*

**Partial satisfaction of contribution conditions for State pension (contributory) where a person attains pensionable age or deferred pensionable age after 1 January 2025.**

Yearly Average	Age referenced rate for aged 66 years	Age referenced rate for aged 67 years	Age referenced rate for aged 68 years	Age referenced rate for aged 69 years	Age referenced rate for aged 70 years
(1)	(2)	(3)	(4)	(5)	(6)
	€	€	€	€	€
Less than 48, but not less than 40	€271.90	€284.70	€298.80	€314.00	€330.60
Less than 40, but not less than 30	€249.30	€261.00	€274.00	€287.90	€303.10
Less than 30, but not less than 20	€236.10	€247.20	€259.50	€272.70	€287.10
Less than 20, but not less than 15	€180.70	€189.20	€198.60	€208.70	€219.70
Less than 15, but not less than 10	€110.80	€116.00	€121.80	€128.00	€134.70

”.

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



GIVEN under my Official Seal,  
16 May, 2024.

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



GIVEN under my Official Seal,  
21 May, 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.)*

Part 4 of the Social Welfare (Miscellaneous Provisions) Act 2023 (No. 37 of 2023)) amended the Social Welfare Consolidation Act 2005 to facilitate –

- access to the State pension (contributory), in certain circumstances, for long-term carers,
- the introduction of flexibility to State pension (contributory) to allow a person to defer claiming the State pension (contributory) up to the age of 70.
- continued access to specified weekly social welfare payments after reaching pensionable age and during pension deferral.

These amendments came into operation on 1 January 2024.

Following from the above amendments to the Social Welfare Consolidation Act 2005 –

- the Social Welfare (Consolidated Contributions and Insurability) (Amendment) (No. 1) (Credited Contributions) Regulations 2023 (S.I. No. 688 of 2023), and
- the Social Welfare (Consolidated Contributions and Insurability) (Amendment) (No. 1) (Employment Contributions - Miscellaneous Amendments) Regulations 2024 (S.I. No. 34 of 2024)

made consequential amendments, with effect from 1 January 2024 to the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996.

Additionally –

- the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Notifications Where Claimant Wishes For Certain Payments To Continue After Attaining Pensionable Age) Regulations 2023 (S.I. No. 689 of 2023), and
- the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (State Pension (Contributory) – Long-Term Carer's Qualifying Contribution) Regulations 2023 (S.I. No. 690 of 2023)

made consequential amendments, with effect from 1 January 2024 to the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007.

Part 4 of the Social Welfare (Miscellaneous Provisions) Act 2023 also provided, from 1 January 2025, for the phased transition to the total contributions approach as respects the calculation of the State pension (contributory).

These Regulations make the necessary consequential amendments to Chapter 7 of Part 2 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to reflect the changes needed to these Regulations arising from the phased transition to the total contributions approach for the calculation of the

State pension contributory. These Regulations will come into force on 1 January 2025.

These Regulations insert a new article 62D which is applicable for claimants with a yearly average of below 48. The article specifies a yearly average rate based on the claimants yearly average and age referenced rate using a new Schedule 8C. This rate is then used in the appropriate paragraph in section 109(6D) to calculate the claimant's entitlement.

These Regulations also insert a new article 62E to provide for an age referenced increase for a qualified adult where the claimant attains pensionable age or deferred pensionable age on or after 1 January 2025. Two new Schedules, 2B and 3B, have been inserted to provide the necessary rates.

These Regulations also make consequential amendments to articles 62 and 62C so that these articles will not be used in the calculation of State pension contributory claims after 1 January 2025. Articles 62 and 62C will remain as the calculation method for existing recipients of State pension contributory, and for those who claim the State pension contributory up until 1 January 2025.

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