



STATUTORY INSTRUMENTS.

S.I. No. 355 of 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 7) (ONE PARENT FAMILY
PAYMENT) REGULATIONS 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 7) (ONE PARENT FAMILY PAYMENT) REGULATIONS 2023

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)), and 177 (amended by section 9(6) of the Social Welfare and Pensions Act 2011 (No. 37 of 2011)) 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, Payments and Control) (Amendment) (No. 7) (One-Parent Family Payment) Regulations 2023.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2023 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2023.

One-Parent Family Payment

2. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. 142 of 2007) are amended by the substitution of the following articles for articles 124, 125, 125A, and 126:

“Definitions.

124. In this Chapter –

Council Directive’ means Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (insofar as it relates to Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection).

Circumstances in which a person is to be regarded as being a separated spouse.

125. (1) A person is to be regarded for the purposes of Chapter 7 of Part 3 as being a separated spouse if he or she and his or her spouse have lived apart from one another for a continuous period of at least 3 months immediately preceding the date of his or her claim for one-parent family payment and continue to so live apart.

(2) Sub-article (1) shall not apply in the case of a person who continues to maintain a spousal relationship with his or her spouse, notwithstanding the fact that, for certain periods, they may live apart for a continuous period of at least 3 months.

(3) Notwithstanding sub-article (1), a person is to be regarded for the purposes of Chapter 7 of Part 3 as being a separated spouse if he or she and his or her spouse are living apart from one another other due to the fact that the person is currently resident in Ireland under the Council Directive, for the period that the Council Directive remains in force.

Circumstances in which a civil partner is to be regarded as a civil partner who is not living with the other civil partner of the civil partnership.

125A. (1) A civil partner is to be regarded for the purpose of Chapter 7 of Part 3 of the Principal Act as being a civil partner who is not living with the other civil partner of the civil partnership if he or she and his or her civil partner have lived apart from one another for a continuous period of at least 3 months immediately preceding the date of his or her claim for one-parent family payment and continue to so live apart.

(2) Sub-article (1) shall not apply in the case of a person who continues to maintain a civil partnership relationship with his or her civil partner, notwithstanding the fact that, for certain periods, they may live apart for a continuous period of at least 3 months.

Circumstances in which a person is to be regarded as being an unmarried person.

126. (1) A person is to be regarded for the purposes of Chapter 7 of Part 3 as being an unmarried person if not being a married person or a party to a civil partnership, he or she is the parent of a relevant child and is living apart from the other parent.

(2) For the purposes of this article a parent shall include, in the case of a child who has been adopted under an adoption order within the meaning of section 3(1) of the Adoption Act 2010, or under such other form of adoption as the Minister considers appropriate in the circumstances, the adopter.”.

GIVEN under my Official Seal,
17 May, 2023.

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.)

These Regulations amend the circumstances in which a person is to be regarded as being a separated spouse, a civil partner who is not living with the other civil partner of the civil partnership, or an unmarried person for the purposes of the One-Parent Family Payment, by removing the requirement for a person to make efforts to obtain maintenance from a liable relative. They also amend the sunset clause in relation to measures relating to the Council Directive regarding temporary protection and provide that those measures remain in force for the period that the Council Directive remains in force.

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