



STATUTORY INSTRUMENTS.

**S.I. No. 38 of 2020**

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SOCIAL WELFARE (NO. 2) ACT 2019 (SECTION 4) (COMMENCEMENT)  
ORDER 2020

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SOCIAL WELFARE (NO. 2) ACT 2019 (SECTION 4) (COMMENCEMENT)  
ORDER 2020

I, REGINA DOHERTY, Minister for Employment Affairs and Social Protection, in exercise of the powers conferred on me by section 1(3) of the Social Welfare (No. 2) Act 2019 (No. 48 of 2019), hereby order as follows:

1. This Order may be cited as the Social Welfare (No. 2) Act 2019 (Section 4) (Commencement) Order 2020.
2. The 27th day of January 2020 is appointed as the day on which section 4 of the Social Welfare (No. 2) Act 2019 (No. 48 of 2019) shall come into operation.



GIVEN under my Official Seal,  
29 January, 2020.

REGINA DOHERTY,  
Minister for Employment Affairs and Social Protection.

#### EXPLANATORY NOTE

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

This Order provides for the commencement of Section 4 of the Social Welfare (No. 2) Act 2019.

Section 4 amends the Social Welfare Consolidation Act 2005 relating to the qualifying conditions for Illness Benefit, Partial Capacity Benefit, Invalidity Pension, Blind Pension and Disability Allowance to confirm that entitlement to these schemes arises from a physical or mental illness and for no other reason. These provisions are intended to address the consequences of a Supreme Court judgement which found that certain provisions of the Social Welfare Consolidation Act 2005 relating to the entitlements of prisoners were unconstitutional.

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