



STATUTORY INSTRUMENTS.

S.I. No. 573 of 2020

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 16) (COVID-19 PANDEMIC
UNEMPLOYMENT PAYMENT – ANCILLARY PROVISIONS)
REGULATIONS 2020

**SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 16) (COVID-19 PANDEMIC
UNEMPLOYMENT PAYMENT – ANCILLARY PROVISIONS)
REGULATIONS 2020**

I, HEATHER HUMPHREYS, Minister for Social Protection, having regard to the continuing risks to public health arising from COVID-19 and the consequent impact on employers and employees, and having regard to the matters specified in subsection (2) of section 68P (inserted by section 11 of the Social Welfare (Covid-19) (Amendment) Act 2020 (No. 12 of 2020)) and in exercise of the powers conferred on me by sections 4 (as adapted by the Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 447 of 2020)) and 68P(1) 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. 16) (Covid-19 Pandemic Unemployment Payment – Ancillary Provisions) Regulations 2020.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2020 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2020.

Definitions

2. In these Regulations—

“Principal Act” means the Social Welfare Consolidation Act 2005;

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

Commencement

3. These Regulations commence on 5 August 2020.

Covid-19 Pandemic Unemployment Payment – Ancillary Provisions

4. The Principal Regulations are amended—

(a) in article 182(b), by the insertion of “covid-19 pandemic unemployment payment,” after “jobseeker’s benefit (self-employed),”,

(b) in article 186(8)(a), by the insertion of “covid-19 pandemic unemployment payment,” after “jobseeker’s benefit (self-employed),”;

(c) by the insertion of the following article after article 191:

“Covid-19 pandemic unemployment payment.

191A.(1) In the case of a decision made in accordance with section 300(2B) to approve a claim for Covid-19 pandemic unemployment payment, the Minister shall be deemed to have fulfilled the requirements of article 191.

(2) In the case of a decision by a deciding officer in accordance with section 300(2C) not to approve a claim for Covid-19 pandemic unemployment payment, or to award a rate lower than the maximum band, the Minister shall, as soon as may be after the decision is made, cause a memorandum of –

(a) the decision, and

(b) the reasons for the said decision,

to issue to the claimant.”,

and

(d) by the insertion of the following article after 223E:

“Payment of Covid-19 pandemic unemployment payment with other social welfare payments.

223F.(1) Notwithstanding section 247(1) or (2), where, a person is entitled to, a payment under Chapter 12B of the Act and any payment specified in sub-article (2) would be payable to or in respect of a person, both such payments may be paid to or in respect of that person in respect of that period, if the person meets the eligibility conditions of both payments.

(2) The following payments are specified for the purposes of this article –

(a) partial capacity benefit;

(b) health and safety benefit;

(c) disablement benefit;

(d) carer’s benefit;

(e) widow’s (contributory) pension;

(f) widower’s (contributory) pension;

(g) surviving civil partner’s (contributory) pension;

(h) guardian’s payment (contributory);

(i) jobseeker’s allowance payable in accordance with section 148A of the Principal Act;

(j) blind pension;

- (k) widow's (non-contributory) pension;
- (l) widower's (non-contributory) pension;
- (m) surviving civil partner's (non-contributory) pension;
- (n) guardian's payment (non-contributory);
- (o) one-parent family payment;
- (p) a relevant payment within the meaning of paragraphs (a) or (b) of section 178(1) of the Principal Act;
- (q) carer's allowance;
- (r) disability allowance;
- (s) child benefit;
- (t) working family payment;
- (u) back to work family dividend;
- (v) daily expenses allowance as defined in the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018).".

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



GIVEN under my Official Seal,
19 November, 2020.

MICHAEL MCGRATH,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
30 November, 2020.

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 provide for ancillary matters arising from the insertion by the Social Welfare (Covid-19) (Amendment) Act 2020 (No. 12 of 2020) of provisions dealing with the Covid-19 pandemic unemployment payment into the Social Welfare Consolidation Act 2005.

The Regulations provide that as respects the prescribed time for making a claim for Covid-19 pandemic unemployment payment and the circumstances under which late claims may be accepted, the same provisions will apply as apply to jobseeker's benefit.

The Regulations also provide that where a decision made by a Deciding Officer relates to

- the non-approval of a claim for the Covid-19 pandemic unemployment payment, or
- the rate at which the Covid-19 pandemic unemployment payment is paid is less than the maximum rate,

the claimant must be advised of the decision in writing and the reasons for that decision.

Finally, the Regulations specify the social welfare payments which may be paid concurrently with Covid-19 pandemic unemployment payment.

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