



STATUTORY INSTRUMENTS.

S.I. No. 262 of 2024

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 8) (CHILD MAINTENANCE AND
LIABLE RELATIVES) REGULATIONS 2024

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 8) (CHILD MAINTENANCE AND LIABLE RELATIVES) REGULATIONS 2024

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 2, 4, 178, 232, 358 of the Social Welfare Consolidation Act 2005, and by Part 1, Rule 1(2)(b)(ii) of Part 2, Rule 1(2)(b)(i) of Part 3 and Rule 1(2)(b)(ii) of Part 5 of Schedule 3 to the Social Welfare Consolidation Act 2005, with the consent of the Minister of 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. 8) (Child Maintenance and Liable Relatives) Regulations 2024.

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

Interpretation

2. In these Regulations—

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

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

Commencement

3. (1) Articles 4, 7 and 10 of these Regulations come into operation on 4th of June 2024.

(2) Articles 5 and 8 of these Regulations come into operation—

(a) in so far as they relate to jobseeker’s allowance, or farm assist, on 4th June 2024,

(b) in so far as they relate to jobseeker’s benefit, jobseeker’s benefit (self-employed), jobseeker’s benefit or jobseeker’s benefit (self-employed) payable in accordance with article 52HA of the Principal Regulations or disability allowance, on 5th June 2024,

(c) in so far as they relate to carer’s benefit, invalidity pension, partial capacity benefit, one-parent family payment (other than one-parent family payment payable in respect of a widow, a widower or a surviving civil partner), jobseeker’s allowance payable in

accordance with section 148A of the Principal Act, or carer's allowance, on 6th June 2024,

- (d) in so far as they relate to death benefit payable in accordance with Chapter 13 (other than section 84) of the Principal Act, State pension (contributory), widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, State pension (non-contributory), blind pension, widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension, guardian's payment (non-contributory) or one-parent family payment in respect of a widow, a widower or a surviving civil partner, on 7th June 2024, and
- (e) in so far as they relate to illness benefit, health and safety benefit, adoptive benefit, maternity benefit, paternity benefit, parent's benefit and injury benefit, on 10th June 2024.

(3) Articles 6 and 9 of these Regulations come into operation on 6th of June 2024.

Definitions

4. Article 3 (amended by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022 (S.I. No. 397 of 2022)) of the Principal Regulations is amended by the insertion of the following definition after the definition of "local office":

"‘maintenance payment made to or in respect of a qualified child’ means any maintenance payment made to or in respect of a qualified child whether that payment is made under a formal or informal arrangement whether procured by way of Court Order or otherwise;”.

Calculation of Income Limit

5. Article 8 (amended by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Income Disregard) Regulations 2024 (S.I. No. 140 of 2024)) of the Principal Regulations is amended by the insertion of the following sub-article after sub-article (4):

“(5) In calculating or estimating the weekly income under sub-article (1) any amount received by way of any maintenance payment made to or in respect of a qualified child shall be disregarded.”

Conditions for receipt of deserted wife's benefit

6. The Principal Regulations are amended by the substitution of the following article for article 85:

“85. A payment under paragraph (a) in the definition of ‘relevant payment’ in section 178(1) shall only be made where a woman who has been deserted by her husband is not a cohabitant.”

Transfer of maintenance

7. Article 130 of the Principal Regulations is revoked.

Maintenance Arrangements

8. Article 143 (amended by article 6 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Earnings Disregard) Regulations 2008 (S.I. No. 138/08)) of the Principal Regulations is amended by the substitution of the following sub-article for sub-article (1):

“(1) Subject to sub-article (2), the maximum amount prescribed for the purposes of Rule 1(2)(b)(ii)(II) of Part 2, Rule 1(2)(b)(i)(II) of Part 3 and Rule 1(2)(b)(ii)(II) of Part 5 of Schedule 3 to the Principal Act shall be €4,952.”.

Sums disregarded in determining weekly family income

9. Article 174 (amended by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Income Disregard) Regulations 2024 (S.I. No. 140 of 2024)) of the Principal Regulations is amended in paragraph (m) by the substitution of the following sub-paragraph for sub-paragraph (i):

“(i) (I) any maintenance payment made to or in respect of a qualified child,
(II) any moneys received by way of maintenance payments, other than those referred to in subclause (I), in so far as they do not exceed the weekly housing costs actually incurred by the person subject to a maximum amount of €95.23, together with one-half of any amount of maintenance payment in excess of that amount disregarded in respect of housing costs actually incurred, and the maintenance arrangements for the purposes of this sub-article shall be all forms of formal and informal arrangements whether procured by way of Court Order or otherwise, and”.

Liable Relatives

10. Part 10 of the Principal Regulations is revoked.

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



GIVEN under my Official Seal,
28 May, 2024.

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



GIVEN under my Official Seal,
28 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.)

The Social Welfare and Civil Law (Miscellaneous Provisions) Act 2024 gives legislative effect to two changes to the Social Welfare system. It provides for changes to the social welfare means tests so that child maintenance payments will no longer be assessed as means, and the discontinuation of the “Liability to Maintain Family” provisions.

These Regulations provide consequential amendments to the Social Welfare (Consolidated Claims, Payment and Control) Regulations 2007, S.I. No. 142 of 2007. With respect to child maintenance, the Regulations provide a definition of “maintenance payment made to or in respect of a qualified child”; consequential changes to the “calculation of income limit” and “maintenance arrangements” and amend the “sums disregarded in determining weekly family income” so that child maintenance payments will not be assessed for Working Family Payment. The “Liable Relatives” provisions are also revoked.

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