



STATUTORY INSTRUMENTS.

**S.I. No. 362 of 2023**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 8) (DAYS NOT TO BE TREATED AS  
DAYS OF UNEMPLOYMENT) REGULATIONS 2023

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 8) (DAYS NOT TO BE TREATED AS DAYS OF UNEMPLOYMENT) 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 62(9) 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. 8) (Days not to be treated as days of unemployment) 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.

**Days not to be treated as days of unemployment**

2. Article 44(1)(b) (amended by article 4 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Retained Fire Fighters) Regulations 2013 (S.I. No. 254 of 2013)) of the Social Welfare Consolidated Claims Payments and Control Regulations 2007 is amended—

(a) by the substitution, in sub-paragraph (ii) of “fighter, or” for “fighter.”,

and

(b) by the insertion of the following sub-paragraph after sub-paragraph (ii):

“(iii) is subject to an agreement at the Workplace Relations Commission or the Labour Court under which the person is retained in their occupation by their employer, without undertaking any gainful employment for that employer, and the total remuneration does not exceed €144 on a weekly basis and is paid for a period not exceeding 13 weeks.”.



L.S.

GIVEN under my Official Seal,  
11 July, 2023.

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.)*

Section 62(9) of the Social Welfare Consolidation Act 2005 provides that the Minister may make Regulations prescribing circumstances whereby certain work type situations are, or are not, to be treated for the purposes of jobseeker's benefit as days of unemployment or of incapacity for work.

Article 44(1)(b) of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 specifies certain work type situations which despite being analogous to employment may allow a person to qualify for jobseeker's benefit. In other words, the person is treated as unemployed.

These Regulations amend article 44 to add another work type situation whereby a person may qualify for jobseeker's benefit. This is the situation where, under an agreement sponsored by the Workplace Relations Commission or Labour Court, that person is retained without any undertaking of work for that person in their occupation, and that person's income from that retention of employment does not exceed €144 a week for a period not exceeding 13 weeks.

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