



STATUTORY INSTRUMENTS.

S.I. No. 731 of 2021

SOCIAL WELFARE (CONSOLIDATED OCCUPATIONAL INJURIES)
(AMENDMENT) (NO. 1) REGULATIONS 2021

**SOCIAL WELFARE (CONSOLIDATED OCCUPATIONAL INJURIES)
(AMENDMENT) (NO. 1) REGULATIONS 2021**

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (as adapted by the Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 447 of 2020)), 74 (amended by section 7 of the Social Welfare and Pensions Act 2013 (No. 38 of 2013)) and 75 (amended by section 3 of the Social Welfare 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 Occupational Injuries) (Amendment) (No. 1) Regulations 2021.
(2) These Regulations and the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 to 2020 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 to 2021.

Commencement

2. These Regulations come into operation—
 - (a) in so far as they relate to injury benefit, on 3rd January 2022, and
 - (b) in so far as they relate to disablement pension and disablement gratuity, on 7th January 2022.

Increased rates of benefits and pensions under the occupational injuries scheme

3. The Social Welfare (Consolidated Occupational Injuries) Regulations 2007 (S.I. No. 102 of 2007) are amended by—
 - (a) the substitution of the Schedule set out in Schedule A to these Regulations for Schedule 1 (amended by article 4 of the Social Welfare (Consolidated Occupational Injuries) (Amendment) (No. 1) Regulations 2019 (S.I. No 107 of 2019)), and
 - (b) the substitution of the Schedules set out in Schedule B to these Regulations for Schedule 3 and Schedule 3A (amended by article 4 of the Social Welfare (Consolidated Occupational Injuries) (Amendment) (No. 1) Regulations 2019 (S.I. No. 107 of 2019)), subject in respect of the Scales set out in the said Schedule B, to the following provisions—

- (i) the rates of pension specified in column (3) of the Scales shall have effect on and from 7th January 2022 whether the period taken into account by the assessment began on, before, or after that date, and,
- (ii) the amounts of gratuity specified in column (2) of the Scales shall be payable only where the period taken into account by the assessment of the degree of disablement began on or after 7th January 2022.

SCHEDE A

“SCHEDE 1

Article 7

Weekly Rates of Injury Benefit Payable to Persons under the Age of Sixteen Years

| Weekly Rates of Injury Benefit Payable to Persons under the Age of Sixteen Years (1) | Weekly Rate (2) |
|---|--------------------|
| (a) where the relevant employment or (if more than one) the relevant employments were, or amounted in the aggregate to, full-time employment or substantially full-time employment..... | € 208.00 |
| (b) in any other case..... | 99.50 |

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SCHEDULE B

“SCHEDULE 3

*Articles 9 and 10*Scale of Disablement Gratuities and of Weekly Rates of Pension in Lieu of
Disablement Gratuities

| Degree of Disablement (1) Per Cent | Amount of Gratuity (2) € | Weekly Rate of Pension (3) € |
|--|--------------------------------|------------------------------------|
| 1 | 1,672 | 2.40 |
| 2 | 2,508 | 4.80 |
| 3 | 3,344 | 7.20 |
| 4 | 4,180 | 9.60 |
| 5 | 5,016 | 12.00 |
| 6 | 5,852 | 14.30 |
| 7 | 6,688 | 16.70 |
| 8 | 7,524 | 19.10 |
| 9 | 8,360 | 21.50 |
| 10 | 9,196 | 23.90 |
| 11 | 10,032 | 26.30 |
| 12 | 10,868 | 28.70 |
| 13 | 11,704 | 31.10 |
| 14 | 12,540 | 33.50 |
| 15 | 13,376 | 35.90 |
| 16 | 14,212 | 38.20 |
| 17 | 15,048 | 40.60 |
| 18 | 15,884 | 43.00 |
| 19 | 16,720 | 45.40 |

SCHEDULE 3A

*Articles 9 and 10*Scale of Disablement Gratuities and of Weekly Rates of Pension in Lieu of
Disablement Gratuities

| Degree of Disablement (1) Per Cent | Amount of Gratuity (2) € | Weekly Rate of Pension (3) € |
|--|--------------------------------|------------------------------------|
| 1-14 | Nil | Nil |
| 15 | 13,376 | 35.90 |
| 16 | 14,212 | 38.20 |
| 17 | 15,048 | 40.60 |
| 18 | 15,884 | 43.00 |
| 19 | 16,720 | 45.40 |

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GIVEN under my Official Seal,
17 December, 2021.

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 Act 2021 provides for an increase in the maximum rate of Injury Benefit payable from 3rd January 2022 and for increases in the rates of benefits payable under the Occupational Injuries Benefits Scheme from 7th January 2022. Parts 2-3 of Schedule 2 provide for increases to the maximum rate of Disablement Gratuity and the weekly rates of Disablement Pension where the degree of disablement ranges from 100 per cent to 20 per cent.

These Regulations provide for increases in the rate of Disablement Gratuity and the weekly rates of Disablement Pension where the degree of disablement ranges from 1 per cent to 19 per cent. The rates provided for in Schedule 3 apply in respect of a continuing disablement of between 1 and 19 per cent which arose prior to 1 January 2012. Schedule 3A applies where the disablement occurs after 1 January 2012 and in such a case, disablement gratuity and gratuity pension are payable only where the range of disablement is greater than 14 per cent.

The Regulations also provide for an increase in the rate of Injury Benefit payable to persons under the age of sixteen. If, in such a case, there is what amounts to full-time employment, or substantially full-time employment, the rate will increase by €5.00 (from €203.00 to €208.00). This is the same rate as the maximum rate payable to an adult. In all other cases the rate will increase by €2.40 (from €97.10 to €99.50).

The rate increases, provided for by these Regulations, come into effect on 3rd January 2022 in the case of Injury Benefit and on 7th January 2022 in the case of Disablement Gratuity and Disablement Pension to coincide with the increases in rates provided for by the Social Welfare Act 2021.

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