

# **General Scheme of Social Welfare Bill 2019**

## Part 1: Preliminary and General

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## **Part 1: Preliminary and General**

**Head 1** provides for the short title, construction, collective citation and any necessary commencements.

**Head 2** provides for the definition of common terms used throughout the Bill.

## **Part 2: Amendments to Social Welfare Acts**

### **Head 3: Jobseeker's Benefit – Conditions for receipt and Duration of Payment**

X. (1) The Principal Act is amended in Section 64(1) by the substitution of the following for subsection (a):

“(a)(i) has employment contributions paid in respect of not less than 104 contribution weeks in the period between his or her entry into insurance and the day for which benefit is claimed, or

(ii) has self-employment contributions paid in respect of not less than 156 contribution weeks in the period between his or her entry into insurance and the day for which benefit is claimed,”

and by the insertion of the following subsection after Section 67 (8):

“(8)(a) For the purposes of this section, where a person receives jobseeker's benefit (self-employed) in respect of any week of unemployment, and that person is entitled to jobseeker's benefit in respect of that week, any day of unemployment in that week shall be treated as though it were a day in respect of which jobseeker's benefit was paid.

### **Background**

In the context of the introduction of a new Jobseeker's Benefit (self-employed) (JBSE) scheme, one of the fundamental qualifying conditions for the existing Jobseeker's Benefit (JB) scheme is being amended. This Head provides that a person must have 104 employment contributions (PRSI class “A” contributions) **or** have 156 self-employment contributions (PRSI class “S”) as a first condition to determine eligibility for payment. This amendment recognises and supports mobility between a person's employed and self-employed contributor status; recognises the accumulation of rights in different labour market statuses; and helps to ensure that an individual does not find themselves disadvantaged as a result of a move from employment to self-employment.

This Head also provides that where a person has an entitlement to both JB and JBSE, any JBSE payment will count towards the person's JB entitlement.

### **Commencement**

The provisions contained in this Head will come into operation by way of Commencement Order.

#### **Head 4: Jobseeker's Benefit (Self-Employed)**

X. (1) The Principal Act is amended by the insertion of the following Chapter after Chapter 12:

#### **“CHAPTER 12B**

#### *Jobseeker's Benefit (Self-Employed)*

#### **Interpretation**

**68B.** In this Chapter, save where the context otherwise requires-

“payment week” means the period commencing on the Thursday of one week and ending on the Wednesday of the following week.

#### **Entitlement to benefit and qualifying conditions**

68C. (1) Subject to this Act, a person shall be entitled to jobseeker's benefit (self-employed) in respect of any [benefit] week where—

- (a) he or she is under pensionable age in the week for which the benefit is claimed,
- (b) he or she satisfies the contribution conditions in section 68D,
- (c) subject to section 68K (5), he or she is not engaged in self-employment and consequently is not in receipt of reckonable income or emoluments.
- (d) he or she is capable of work,
- (e) he or she is genuinely seeking, but is unable to obtain, employment suitable for him or her having regard to his or her age, physique, education, normal occupation, place of residence and family circumstances, and
- (f) he or she proves unemployment in the prescribed manner.

(2) For the purposes of this Chapter, the Minister shall make regulations specifying the circumstances in which a person is or is not to be regarded as being genuinely seeking employment and these circumstances may vary in relation to;

- (a) the person's previous work experience,

(b) the period for which he or she has been unemployed and

(c) the prevailing employment conditions.

(3) For the purposes of this Chapter, the Minister shall make regulations specifying the manner in which a person shall prove unemployment.

(4) Without prejudice to the generality of subsection (1)(f) and subsection (4), a person may make a declaration for the purposes of those subsections by means of an electronic communication.

(5) Notwithstanding any other provision of this Chapter, where a person has four days of insurable employment, other than any day when the person is employed as a retained fire fighter, whether consecutive or not, in any [payment] week, he or she shall not be entitled to jobseeker's benefit (self-employed) in respect of that week.

#### **Contribution conditions for receipt**

68D(1) The contribution conditions for jobseeker's benefit (self-employed) are that the claimant-

(a) (i) has employment contributions paid in respect of not less than 104 contribution weeks in the period between his or her entry into insurance and the week for which benefit is claimed, or

(ii) has self-employment contributions paid in respect of not less than 156 contribution weeks in the period between his or her entry into insurance and the week for which benefit is claimed,

and

(b) has self-employment contributions paid in respect of not less than 52 contribution weeks in the second last complete contribution year before the beginning of the benefit year in which the claim is made, and

(c) has reckonable weekly income in excess of €300 in the governing contribution year or has reckonable weekly income specified in paragraphs (a) to (c) of subsection (4).

(2) Regulations may provide for modifications of the contribution conditions set out in subsection (1).

(3) Subsection (1)(c) shall not apply in the case of a claim for jobseeker's benefit (self-employed) made by a person in the benefit year in which that person, having been a volunteer development worker, returns to the State from a developing country or in the next 2 succeeding benefit years.

(4) For the purposes of the requirements of subsection (1)(c), a claimant

(a) has average reckonable weekly income in the governing contribution year which does not exceed €149.99,

(b) has average reckonable weekly income in the governing contribution year which exceeds €149.99 but does not exceed €219.99, or

(c) has average reckonable weekly income in the governing contribution year which exceeds €219.99 but does not exceed €299.99.

(5) For the purposes of subsection (1)(c), the reckonable weekly income shall be calculated as the total reckonable income in the governing contribution year divided by the number of qualifying contributions in that governing contribution year.

### **Rate of benefit**

68E. (1) Subject to this Act, the weekly rate of jobseeker's benefit (self-employed) shall be as set out in column (2) of Part 1 of Schedule 2.

(2) Subject to this Act, and notwithstanding subsection (1), in the case of a person to whom subsection (2) or (6) of section 68I or subsection (1) or (4) of section 68J refers, the weekly rate of jobseeker's benefit (self-employed) shall be reduced and accordingly shall be the weekly rate set out in column (2) of Part 1 of Schedule 2 which shall be reduced in each week by €44.

(3) The weekly rate of payment of jobseeker's benefit (self-employed), as provided for under this section and sections 68F and 68G, shall be reduced by 20% for each day of insurable employment the person has in the payment week.

(4) The total amount of jobseeker's benefit (self-employed) payable under this section (in any [payment] week) shall be rounded up to the nearest 10 cent where it is a multiple of 5 cent but not also a multiple of 10 cent and shall be rounded to the nearest 10 cent where it is not a multiple of 5 cent or 10 cent.

## **Rate of benefit relating to certain average reckonable weekly earnings and certain periods**

68F (1) Subject to this Act, in the case of—

- (a) a person with average reckonable weekly income specified in section 68D(4)(a), the weekly rate of jobseeker's benefit (self-employed) shall be €91.10,
- (b) a person with average reckonable weekly income specified in section 68D(4)(b), the weekly rate of jobseeker's benefit (self-employed) shall be €131.00, and
- (c) a person with average reckonable weekly income specified in section 68D(4)(c), the weekly rate of jobseeker's benefit (self-employed) shall be €159.00.

(2) Subject to this Act, notwithstanding subsection (1), in the case of a person to whom subsection (2) or (6) of section 68I or subsection (1) or (4) of section 68J refers, the weekly rate of jobseeker's benefit (self-employed) shall be reduced and accordingly—

- (a) in the case of a person referred to in subsection (1)(a), the weekly rate shall be €71.70,
- (b) in the case of a person referred to in subsection (1)(b), the weekly rate shall be €102.60,  
or
- (c) in the case of a person referred to in subsection (1)(c), the weekly rate shall be €124.00

## **Increases for qualified adult and qualified children**

68G (1) Subject to subsection (2), the weekly rate of jobseeker's benefit (self-employed) shall be increased by the amount set out in column (3) of Part 1 of Schedule 2 for any period during which the beneficiary has a qualified adult, subject to the restriction that a beneficiary shall not be entitled for the same period to an increase of benefit under this subsection in respect of more than one person.

(2) In the case of a person referred to in section 68F, the weekly rate of jobseeker's benefit (self-employed) shall be increased by €87.20 for any period during which the beneficiary has

a qualified adult, subject to the restriction that a beneficiary shall not be entitled for the same period to an increase of benefit under this subsection in respect of more than one person.

(3) The weekly rate of jobseeker's benefit (self-employed) shall be increased by the amount set out—

(a) in column (4) of Part 1 of Schedule 2 in respect of each qualified child who has not attained the age of 12 years who normally resides with the beneficiary, and

(b) in column (5) of Part 1 of Schedule 2 in respect of each qualified child who has attained the age of 12 years who normally resides with the beneficiary.

(4) Subject to subsection (5), any increase of jobseeker's benefit (self-employed) payable under subsection (3) in respect of a qualified child who normally resides with the beneficiary and with the spouse, civil partner or cohabitant of a beneficiary shall be payable at the rate of one-half of the appropriate amount in any case where the spouse, civil partner or cohabitant of the beneficiary is not a qualified adult and subsection (3) shall be read and have effect accordingly.

(5) Subsection (4) shall not apply and no increase of jobseeker's benefit (self-employed) payable under subsection (3) in respect of a qualified child who normally resides with the beneficiary and with the spouse, civil partner or cohabitant of a beneficiary shall be payable where the weekly income of that spouse, civil partner or cohabitant, calculated or estimated in the manner that may be prescribed, exceeds the amount that may be prescribed.

### **Duration of payment**

68 H (1) Subject to this Chapter, jobseeker's benefit (self-employed) shall be payable for

(a) 26 weeks to a person who has fewer than 260 self-employment contribution weeks in the period between his or her entry into insurance and the week for which jobseeker's benefit (self-employed) is claimed,

or

(b) 39 weeks to a person who has not less than 260 self-employment contribution weeks in the period between his or her entry into insurance and the week for which jobseeker's benefit (self-employed) is claimed.

(2) Where a person entitled to jobseeker's benefit (self-employed) has exhausted their right to jobseeker's benefit (self-employed), he or she shall requalify for that benefit when -

(a) he or she has qualifying contributions in respect of 52 self-employment contribution weeks since the last week for which he or she was entitled to that benefit,

and

(b) a minimum of 12 months has elapsed since the last week for which he or she was entitled to that benefit.

(3) Any week where a person is entitled to payment shall be treated as a week of unemployment and any 2 such weeks not separated by a period of more than 26 weeks shall be treated as the same claim.

(4) For the purposes of this chapter, where a person receives

(a) jobseeker's allowance in respect of any week of unemployment, within the meaning of section 141(3), or

(b) jobseeker's benefit

which includes any week in respect of which that person is entitled to jobseeker's benefit (self-employed), that week shall be treated as though it were a week in respect of which jobseeker's benefit (self-employed) was paid.

(5) For the purposes of this section, any period in respect of which a person is disqualified for receiving jobseeker's benefit (self-employed) by virtue of section 68I or 68J shall be treated as though it were a period in respect of which jobseeker's benefit (self-employed) was paid.

(6) For the purposes of this section, where a person receives a payment in respect of a scheme administered by the Minister and known as the Short Term Enterprise Allowance Scheme in respect of any week of unemployment, which includes any day in respect of which that person is entitled to jobseeker's benefit (self-employed), any day of unemployment in that

week shall be treated as though it were a day in respect of which jobseeker's benefit (self-employed) was paid.

(7) Notwithstanding section (2)(b), in the case of a person whose entitlement to jobseeker's benefit (self-employed) exhausts on or after the day on which the person attains the age of 65, that person shall continue to be entitled to that benefit for any week of unemployment provided that the person

(i) has paid 52 qualifying self-employment contributions in the governing contribution year and

(ii) has qualifying contributions in respect of not less than 156 self-employment contribution weeks in the period between his or her entry into insurance and the week for which jobseeker's benefit (self-employed) is claimed.

**Refusal or failure to attend activation meetings relating to jobseeker's benefit (self-employed).**

68I (1) Notice may be given by or on behalf of the Minister to any person receiving jobseeker's benefit (self-employed) requesting the person, at the time specified in the notice, to comply with the requirement specified in paragraph (a) or (b) of subsection (3).

(2) Where a person refuses or fails, without good cause, to comply with the requirement specified in the notice under subsection (1) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, the weekly rate of jobseeker's benefit (self-employed) payable to that person in respect of any such period of refusal or failure shall, subject to this section, be as set out in section 68E (2) or, as the case may be, paragraph (a), (b) or (c) of section 68F(2)

(3) A notice under this section may require the person to whom it is given to do one of the following, at the time specified in the notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person—

(a) attend at a meeting arranged by or on behalf of the Minister for the purpose of providing information to that person which is intended to improve his or her knowledge of the employment, work experience, education, training and development opportunities available to that person, or

(b) attend for or submit to an assessment of that person's education, training or development needs.

(4) Where jobseeker's benefit (self-employed) is paid to a person at the weekly rate set out in section 68E (2) or, as the case may be, paragraph (a), (b) or (c) of section 68F(2) on account of a refusal or failure to comply with the requirement specified in the notice under subsection (1) for a period of not less than 21 days, notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with that requirement.

(5) Where a person refuses or fails, without good cause, to comply with the requirement specified in the notice under subsection (4) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, that person shall be disqualified for receiving jobseeker's benefit (self-employed) for any period of continued refusal or failure commencing on the date specified in the notice under subsection (4), but such period of disqualification shall, subject to subsection (6), not exceed 9 weeks.

(6) Nothing in this section shall prevent the provisions of subsections (1) to (5) being applied to a person where, on or after the expiration of such period of disqualification as is applied in accordance with subsection (5) —

(a) notice has been given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement referred to in subsection (1), and

(b) that person continues, without good cause, to refuse or fail to comply with that requirement.

(7) A notice under this section shall be given in writing and may be given in such other form as may be considered appropriate, including electronic form.

**Refusal or failure to participate in prescribed schemes programmes or courses relating to jobseeker's benefit (self-employed).**

68 J. (1) Where—

(a) as a consequence of attendance for, or submission to, an assessment in accordance with section 68I(3)(b), a request is made by or on behalf of the Minister to that person to

participate in, agree to participate in or avail himself or herself of an opportunity of participating in —

(i) any scheme or programme of employment or work experience, or

(ii) a course of education, training or development,

which is prescribed for the purposes of this section and which is considered appropriate having regard to the education, training and development needs of that person and his or her personal circumstances, and

(b) that person refuses or fails, without good cause, to participate in, agree to participate in or avail himself or herself of an opportunity of participating in such a scheme, programme or course, as the case may be, the weekly rate of jobseeker's benefit (self-employed) payable to that person in respect of any such period of refusal or failure shall, subject to this section, be as set out in section 68E (2) or, as the case may be, paragraph (a), (b) or (c) of section 68F(2).

(2) Where jobseeker's benefit (self-employed) is paid to a person at the weekly rate set out in section 68E (2) or, as the case may be, paragraph (a), (b) or (c) of section 68F(2) on account of a refusal or failure referred to in subsection (1) —

(a) notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to attend for or submit to an assessment of that person's education, training or development needs, or

(b) a request may be made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in—

(i) any scheme or programme of employment or work experience, or

(ii) a course of education, training or development, which is prescribed for the purposes of this section and which is considered appropriate having regard to the education, training and development needs of that person and his or her personal circumstances.

(3) Where a person refuses or fails, without good cause, to—

a) comply with the requirement specified in the notice under subsection (2)(a) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, or

(b) participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b), that person shall be disqualified for receiving jobseeker's benefit (self-employed) for any period of such refusal or failure commencing on—

(i) the date specified in the notice under subsection (2)(a), or

(ii) the date of refusal or failure to participate in, to agree to participate in or to avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b), as the case may be, but such period of disqualification shall, subject to subsection (4), not exceed 9 weeks.

(4) Nothing in this section shall prevent the provisions of subsections (1) to (3) being applied to a person where, on or after the expiration of such period of disqualification as is applied in accordance with subsection (3)—

(a) notice has been given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement referred to in subsection (2)(a), or

(b) a request has been made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b), as the case may be, and that person continues, without good cause, to refuse or fail to—

(i) comply with the requirement specified in the notice under paragraph (a) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, or

(ii) participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in paragraph (b).

(5) A notice under this section shall be given in writing and may be given in such other form as may be considered appropriate, including electronic form.

## **Disqualifications**

68 K (1) A person shall be disqualified for receiving jobseeker's benefit (self-employed) during any week in which he or she is employed under the schemes provided by the Minister and known as Community Employment or the Rural Social Scheme

(2) A person shall not be entitled to receive jobseeker's benefit (self-employed) while attending a course of study, other than in the circumstances and subject to the conditions and for the periods that may be prescribed.

(3) In this section—

'academic year', 'a course of study' and 'institution of education' have the meaning assigned to them by section 148.

(4) For the purposes of this section, a person shall be regarded, subject to regulations made under subsection (2), as attending a course of study—

(a) for 3 months immediately following the completion or the leaving by that person of second level education or the completion by him or her of the leaving certificate examination of the Department of Education and Skills, whichever is the later,

(b) for the duration of an academic year, or

(c) for the period immediately following the completion of one academic year, other than the final academic year of a course of study, up to the beginning of the following year.”.

(5) A person shall be disqualified for receiving jobseeker's benefit (self-employed) for a period not exceeding 9 weeks where the requirements of section 68(C)(1)(c) are met consequent on the person

(a) [voluntarily] selling his or her self-employment business, or

(b) having lost their self-employment through his or her own misconduct, or

(c) having voluntarily left his or her self-employment without just cause. “

## **Purpose of Head**

This Head gives effect to the Programme for Partnership Government (2016) commitment and Budget 2019 announcement by introducing a new Chapter 12B to the Principal Act providing for a new social insurance based Jobseeker's Benefit (Self-employed) scheme. The scheme will provide support to self-employed contributors whose self-employment business has ceased to operate. It is intended that the scheme will come into effect from November 2019.

## **Provisions of the Head**

**Section 68B** provides for the interpretation of certain terms used in this Chapter

### **Entitlement to benefit and qualifying conditions**

**Section 68C(1)** sets out the main qualifying conditions for jobseeker's benefit (self-employed). Apart from the standard age, social insurance and employment conditions, a claimant will have to have ceased self-employment and, consequently, not be in receipt of reckonable income or emoluments.

**Section 68C(2)** provides that regulations will set out the circumstances and efforts that a person must demonstrate to show that they are genuinely seeking work.

**Section 68C(3)** provides that regulations will set out the requirements placed on claimants of JBSE in order to prove that they are unemployed.

**Section 68C(4)** provides that a person may, where appropriate, meet the 'signing-on' obligations arising from subsection 68B(4) by electronic means.

**Section 68C(5)** This subsection provides for a general disqualification from entitlement to benefit in any payment week where a person engages in insurable employment for more than 3 days in that week (mirroring similar provisions (the "4 in 7" rule) under the JB scheme). A day of employment as a retained firefighter is explicitly exempted from being treated as a day of insurable employment.

### **Section 68D**

This Head sets out the PRSI qualifying conditions for the scheme. It includes a condition in relation to earnings in the Governing Contribution Year (GCY) to allow for graduated rates of payment. The graduated rates of payment will be the same as for the current jobseeker's benefit scheme. The GCY is defined in Section 2 of the Principal Act.

**Subsection (1)** provides firstly that a person must have 104 employment contributions paid at PRSI class "A" **or** have 156 self-employment contributions paid at PRSI class "S" to qualify for payment. This, the first qualifying contribution condition, recognises and supports mobility between employed and self-employed contributor status; recognises the accumulation of rights acquired in different labour market statuses; and helps to ensure that an individual is not disadvantaged as a result of a move from employment to self-

employment. The second qualifying contribution condition for the scheme is that a person must have 52 contributions paid at PRSI class “S” in the GCY (the GCY would be 2017 for applications made in 2019). This condition effectively requires that a claimant of JBSE must have a recent record of self-employment.

Finally, this subsection provides for an earnings condition (which mirrors the provisions in the jobseekers benefit scheme). To qualify for full-rate JBSE, a claimant must have average reckonable weekly income in the GCY of at least €300.

**Subsection (2)** provides that changes can be made by means of regulations to the qualifying conditions for the scheme.

**Subsection (3)** provides for an exemption to the condition relating to earnings in the GCY for claimants who have worked abroad as Volunteer Development Workers. In effect, this means that, provided the other qualifying conditions are satisfied, full-rate JBSE will be payable for claims made during the benefit year in which the person returned to Ireland or in the next two succeeding benefit years.

**Subsection (4)** sets out the banded rates of reckonable weekly income in the GCY which determine the graduated rates of JBSE.

**Subsection (5)** sets out how the average reckonable weekly income is to be calculated.

### **Rate of benefit**

**Section 68E (1)** sets out the basic rate of benefit that will be payable.

**Subsection (2)** provides for the application of a penalty rate - a reduction of €44 in the weekly personal rate of payment where the claimant fails, without good cause, to comply with the requirements to attend activation meetings (Head 68I) or to participate in schemes, programmes or courses (Head 68J).

**Subsection (3)** provides that a day of insurable employment will not be recognised as a day of payment for the purposes of JBSE. For each day of insurable employment, a 20% reduction will be deducted from the person’s total weekly rate of payment (including any increases for a qualified adult and qualified child(ren) up to a maximum of 3 days. As set out in subsection 68C(5), a person who engages in insurable employment for more than 3 days will not qualify for any payment.

**Subsection (4)** provides for the standard rounding of payments under the scheme.

### **Graduated rates**

**Section 68F(1)** provides for graduated rates of JBSE which apply where the average reckonable weekly income in the GCY is less than the €300 per week.

**Subsection (2)** provides for the application of a penalty rate to claimants in receipt of a graduated rate of JBSE.

## **Increases for qualified adult and qualified children**

In line with other schemes, **Section 68G(1)** provides that an increase for a qualified adult will be paid on a claim for JBSE at the rate set out in column (3) of Part 1 of Schedule 2 and that an increase can only be paid in respect of one person at any time.

**Subsection (2)** provides for the rate of the increase for a qualified adult payable in the case of a claimant who is on a graduated rate of JBSE by virtue of having average reckonable weekly earnings of less than €300 in the GCY.

**Subsection (3)** provides that an increase for a qualified child who normally resides with the beneficiary will be paid. The amount to be paid will be set out in Part 1 of Schedule 2, column (4) for children aged under 12 and column (5) for children aged 12 and over.

**Subsection (4)** provides that where the claimant is living with a spouse, civil partner or cohabitant, and is not in receipt of an increase for a qualified adult in respect of that person (e.g. where the spouse, civil partner or cohabitant is a social welfare claimant in his/her own right), then any increase for a qualified child will be paid at half-rate.

For the existing jobseeker's benefit scheme a half-rate increase for a qualified child is also payable where the spouse/civil partner/cohabitant has an income of between €310 and €400 a week. Where the spouse/civil partner/cohabitant has an income in excess of €400 per week there is no entitlement to an increase for a qualified child. **Subsection (5)** provides that regulations may be made for similar arrangements for JBSE.

## **Duration of payment**

**Section 68H (1)** provides that a person will be entitled to a JBSE payment for 26 weeks where the person has fewer than 260 contributions (but more than 156) or will be entitled to payment for 39 weeks where s/he has more than 260 contributions. These arrangements are in line with the current JB scheme

**Subsection (2)** provides that where a claimant has exhausted his/her entitlement to JBSE, the person must have paid 52 qualifying self-employment contributions, and a minimum of 12 months must have elapsed since the claim exhausted, in order to re-qualify for payment..

**Subsection (3)** provides that the duration of entitlement does not necessarily have to be in a single unbroken stretch. The period of entitlement can be interrupted (e.g. where the claimant secures employment). The 'linking' concept allows people to take up work for a short period (less than 26 weeks) and to resume receipt of JBSE if that work finishes. It also ensures that people are prevented from signing off before they exhaust their claim and re-applying immediately for a new entitlement (fresh claim).

**Subsection (4)** provides that where a person who has an entitlement to JBSE opts for Jobseeker's Allowance instead (typically in situations where s/he qualifies for a higher rate of payment), any such periods on JA will count towards their JBSE entitlement. This ensures that a person cannot opt to receive JA and then claim JBSE when their circumstances change.

This subsection also provides that where a person has an entitlement to both Jobseeker's Benefit and JBSE, any periods on JB will count towards their JBSE entitlement

**Subsection (5)** provides that periods of disqualification, as provided for in Sections 68I and 68J, will be treated as though JBSE were paid.

**Subsection (6)** provides that on any day/week where a person has an underlying entitlement to JBSE while s/he is in receipt of a Short Term Enterprise Allowance payment, those days will be treated as though JBSE had been paid.

**Subsection (7)** provides for an exception to the duration of a claim in the case of a person who reaches the age of 65 while in receipt of JBSE. In such cases, and provided that the person satisfies specified contribution conditions, JBSE will continue to be payable until the person reaches pension age.

### **Refusal or failure to attend activation meetings**

**Section 68I (1)** provides that a person in receipt of jobseekers benefit (self-employed) must make themselves available to attend a meeting with a case officer from the DEASP as outlined in subsections (3) (a) and (b).

**Subsection (2)** provides that where a person fails to attend a meeting with a case officer from the DEASP without good cause, they will be subject to the penalty rates appropriate to their rate of JSEB payment as set out in sections 68E (2) or 68F(2).

**Subsection (3)** provides that the person must comply with the terms of a notice issued to him or her for the purposes of (a) receiving information intended to improve his or her knowledge of the available employment, work experience, education, training and development opportunities or (b) to undertake an assessment of his or her education, training or development needs.

**Subsection (4)** provides that notice may be given to a person in receipt of a JBSE payment, to which a penalty rate has been applied for 21 days or more, to comply with the requirement to meet with an official of the Minister for the purposes of subsection (3).

**Subsection (5)** provides that if the person refuses or fails, without good cause, to comply with the requirement specified in the notice under subsection (4) or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, that person shall be disqualified for receiving jobseeker's benefit (self-employed) for a period of up to 9 weeks.

**Subsection (6)** provides that further periods of disqualification may be applied provided that a notice has been sent by or on behalf of the Minister to the person concerned requesting that person, at the time specified in the notice, to comply with the requirement referred to in section (1), and that person continues, without good cause, to refuse or fail to comply with that requirement.

**Subsection (7)** provides that notices under this Section will be provided in writing and can also be provided by other means – e.g. by e-mail or text message.

### **Refusal to participate in schemes, programmes and courses.**

**Section 68J (1)** provides that where a JBSE recipient refuses to attend a scheme or programme of employment or work experience, or a course of education, training or development which is considered appropriate to their training needs and circumstances, that person will be subject to a penalty rate appropriate to their payment as set out in sections 68E (2) or 68F (2).

**Subsection (2)** provides that where a person is in receipt of a JSEB payment to which a penalty has been applied for refusing or failing to engage in a scheme or programme, a further notice may be issued requesting that person to attend for or submit to an assessment of their education, training or development needs, or to participate scheme or programme of employment or work experience, or a course of education, training or development which is considered appropriate to their training needs and circumstances.

**Subsection (3)** provides that if the person refuses or fails, without good cause, to comply with the requirements specified in subsection (2), that person shall be disqualified for receiving jobseeker’s benefit (self-employed) for a period of up to 9 weeks.

**Subsection (4)** provides that further periods of disqualification may be applied provided that a notice has been sent by or on behalf of the Minister to the person concerned requesting that person to comply with the requirements referred to in subsection (2) at the time specified in the notice, and that person continues, without good cause, to refuse or fail to comply with that requirement.

**Subsection (5)** provides that notices under this Section will be provided in writing and can also be provided by other means – e.g. by e-mail or text message.

### **Disqualifications**

**Section 68K (1)** provides that a person shall be disqualified from receiving a JBSE payment while engaged in either the Community Employment scheme or the Rural Social Scheme.

**Subsection (2)** provides that a person shall be disqualified from receiving a jobseekers self-employed benefit payment while attending a course of study, other than in the circumstances and subject to the conditions and for the periods that may be prescribed

**Subsection (3)** provides that the definitions of certain education-related terms specified in section 148 (“Disqualifications - attending a course of study”) of the Principal Act will also apply to the JBSE scheme.

**Subsection (4)** provides for certain periods (e.g. the 3 months immediately following the completion or the leaving by a person of second level education) whereby a person will be regarded as attending a course of study and thus disqualified in those periods from entitlement to JBSE.

**Subsection (5)** provides that where the condition requiring that a person is not engaged in self-employment is met as a consequence of the person selling their self-employment enterprise, voluntarily leaving their self-employment or through their own misconduct, the person may be disqualified for JBSE for a period of up to 9 weeks.

### **Commencement**

The provisions contained in this Head will come into operation by way of Commencement Order.

## Head 5: Jobseeker’s Benefit (Self-employed) scheme - Consequential Amendments

X. The Principal Act is amended in the manner specified in Schedule X.

### SCHEDULE X

Section X

#### Amendments consequential on Jobseeker’s Benefit (Self-Employed)

Item No.	Provision affected	Amendment
1	Section 2	<p>Is amended-</p> <p>(a) in paragraph (a) of subsection (2):</p> <p>(i) by the insertion of “, jobseeker’s benefit (self-employed) payable under Chapter 12B of Part 2” after “Chapter 12 of Part 2” in subparagraph (iv),</p> <p>(ii) the substitution of “142, jobseeker’s benefit payable under section 65 or 66 or jobseeker’s benefit (self-employed) payable under section 68E or 68G,” for “142 or jobseeker’s benefit payable under section 65 or 66,” in subparagraph (v),</p> <p>(iii) the substitution of “142, jobseeker’s benefit payable under section 65 or 66 or jobseeker’s benefit (self-employed) payable under section 68E or 68G,” for “142 or jobseeker’s benefit payable under section 65 or 66,” in subparagraph (vi), and</p> <p>(iv) the substitution of “142, jobseeker’s benefit payable under section 65 or 66 or jobseeker’s benefit (self-employed) payable under section 68E or 68G,” for “142 or jobseeker’s benefit payable under section 65 or 66,” in subparagraph (vii),</p> <p>(b) in paragraph (a) of subsection (3) by the insertion of the following subparagraph after subparagraph (iii):</p> <p>“(iiia) section 68E(3), in the case of an applicant for jobseeker’s benefit (self-employed) other than as referred to in paragraph (b),”,</p> <p>(c) by the substitution of the following subparagraph for subparagraph (iv) of paragraph (b) of subsection (3):</p> <p>“(iv) section 66(2) or 142(1)(b)(ii), in the case of an applicant who, in any continuous period of unemployment as read in accordance with section 141(3), has been entitled to or is in receipt of jobseeker’s benefit, jobseeker’s benefit</p>

		<p>(self-employed) or jobseeker’s allowance for not less than 156 days or 26 weeks, or, subject to the conditions and in the circumstances that may be prescribed, has been entitled to or has been in receipt of jobseeker’s benefit, jobseeker’s benefit (self-employed) or jobseeker’s allowance and a relevant payment for not less than 156 days or 26 weeks, and”, and</p> <p>(d) in subsection (8) by the insertion of “68C,” after “sections 62,”.</p>
2	Section 4	Is amended in paragraph (a) of subsection (4) by the insertion of “68C,” after “64(6),”.
3	Section 7	Is amended in paragraph (g) of subsection (2) by the insertion of “or jobseeker’s benefit (self-employed)” after “jobseeker’s benefit”.
4	Section 21	Is amended in paragraph (e) of subsection (1) by the insertion of “jobseeker’s benefit (self-employed),” after “any benefit other than”.
5	Section 39	Is amended in subsection (1) by the insertion of the following paragraph after paragraph (e):  “(ea) jobseeker’s benefit (self-employed),”.
6	Section 141	Is amended by the insertion-  (a) in subsection (8) of “or jobseeker’s benefit (self-employed)” after “jobseeker’s benefit”,  (b) in paragraph (a) of subsection (8) of “or 68H” after “section 67”, and  (c) in paragraph (b) of subsection (8) of “ or 68D(1)(b)” after “64(1)(b)”.
7	Section 144	Is amended in paragraph (a) of subsection (2) by the insertion of “jobseeker’s benefit (self-employed),” after “jobseeker’s benefit,”.
8	Section 147	Is amended in subsection (6) by the substitution of “either jobseeker’s benefit or jobseeker’s benefit (self-employed)” for “jobseeker’s benefit”.
9	Section 186A	Is amended in subparagraph (ii) of paragraph (d) of subsection (5) by the insertion of “, jobseeker’s benefit (self-employed)” after “jobseeker’s benefit”.
10	Section 217	Is amended in subsection (1) by the insertion of “, jobseeker’s benefit (self-employed),” after “jobseeker’s benefit”.
11	Section 225	Is amended in paragraph (b) of subsection (2) by the insertion of “, jobseeker’s benefit (self-employed)” after “jobseeker’s benefit”.
12	Section 233	Is amended-  (a) in subsection (1) by the by the insertion of “, jobseeker’s benefit (self-

		<p>employed)” after “jobseeker’s benefit”, and</p> <p>(b) in paragraph (a) of subsection (2) by the by the insertion of “, jobseeker’s benefit (self-employed)” after “jobseeker’s benefit”.</p>
13	Section 238A	<p>Is amended in the definition of “qualifying payment” by the insertion of the following subparagraph after subparagraph (a):</p> <p>“(aa) jobseeker’s benefit (self-employed), or”.</p>
14	Section 238B	<p>Is amended by the insertion-</p> <p>(a) in subparagraph (i) of paragraph (a) of subsection (1) of “jobseeker’s benefit (self-employed),” after “jobseeker’s benefit,”,</p> <p>(b) in subparagraph (i) of paragraph (b) of subsection (1) of “jobseeker’s benefit (self-employed),” after “jobseeker’s benefit,”,</p> <p>(c) in paragraph (c) of subsection (1) of the following subparagraph after subparagraph (i):</p> <p>“(ia) jobseeker’s benefit (self-employed),”, and</p> <p>(d) in paragraph (a) of subsection (6) of “, jobseeker’s benefit (self-employed)” after “jobseeker’s benefit”.</p>
15	Section 241	<p>Is amended in paragraph (c) of subsection (2) by the insertion of “jobseeker’s benefit (self-employed),” after “jobseeker’s benefit,”.</p>
16	Section 244	<p>Is amended in subparagraph (i) of paragraph (c) of subsection (1) by the insertion of “jobseeker’s benefit (self-employed),” after “jobseeker’s benefit,”.</p>
17	Section 247	<p>Is amended in subsection (6) by the insertion of the following subparagraph after subparagraph (a):</p> <p>“(aa) jobseeker’s benefit (self-employed),”.</p>
18	Section 248	<p>Is amended in subsection (1) by the insertion of the following subparagraph after subparagraph (b):</p> <p>“(ba) jobseeker’s benefit (self-employed);”.</p>
19	Section 274A	<p>Is amended by the insertion-</p> <p>(a) in subsection (1) of “, 68C” after “section 62”, and</p> <p>(b) in subsection (2) of “, 68C” after “section 62”.</p>

## **Purpose of Head**

This Head provides for a range of consequential amendments to the Social Welfare Consolidation Act 2005 arising from the introduction of the Jobseeker's Benefit (Self-Employed) scheme.

## **Provisions of this Head**

The Schedule provides for the inclusion of references to Jobseeker's Benefit (Self-Employed) in various general provisions of the Consolidation Act relating to –

- Interpretation
- Regulations
- Description of benefits
- Social Insurance Fund — expenditure on benefit
- Rates of self-employment contributions and related matters
- Description of benefits
- Jobseeker's Allowance - Entitlement to assistance
- Jobseeker's Allowance - Total amount payable to a couple
- Jobseeker's Allowance – Disqualifications
- Payment of carer's allowance in certain circumstances
- Farm Assist - Total amount payable to a couple.
- Entitlement to respite care grant Carer's Support Grant
- Working Family Payment - Receipt of claims.
- Back to Work Family Dividend – Definitions
- Back to Work Family Dividend - Entitlement to dividend
- Claims and Payments - Claims.
- Claims and Payments - Payment to persons other than claimant or beneficiary.
- Provisions Relating To Entitlement - Avoidance of multiple payments.
- Provisions Relating To Entitlement - Payments after death.
- Offences, Miscellaneous Control Provisions and Proceedings - Evidence in proceedings in relation to proving unemployment by electronic communication.

## **Commencement**

The provisions contained in this Head will come into operation by way of Commencement Order.