



STATUTORY INSTRUMENTS.

S.I. No. 597 of 2015

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 8) (JOBSEEKER'S ALLOWANCE
TRANSITION) REGULATIONS 2015

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 8) (JOBSEEKER'S ALLOWANCE TRANSITION) REGULATIONS 2015

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)) of, and Rule 1(5) of Part 2 of Schedule 3 to, the Social Welfare Consolidation Act 2005 (No. 26 of 2005), and by Rule 1(6) of Part 2 of Schedule 3 to the Social Welfare Consolidation Act, 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. 8) (Jobseeker's Allowance Transition) Regulations 2015.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2015 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2015.

Commencement

2. These Regulations come into operation on 7 January 2016.

Calculation of means

3. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) are amended—

- (a) in article 145(1), by substituting “Other than in the case of a person to whom section 148A applies, for the purposes of” for “For the purposes of”,
- (b) by inserting the following article after article 145 (amended by article 8 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012 (S.I. No. 447 of 2012)):

“Assessment of claimant's earnings — jobseeker's allowance payable under section 148A

145A. (1) In the case of a person to whom section 148A applies, for the purposes of Rule 1(5) of Part 2 of Schedule 3 to the Principal Act, the value of any money derived by a claimant for each week in respect of which he or she is engaged in insurable employment shall be 50 per

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cent of the average weekly earnings from that employment calculated in accordance with sub-article (2).

(2) For the purposes of sub-article (1), the average weekly earnings shall be determined by reference to the gross earnings received from insurable employment in the 13 weeks preceding the date of claim for jobseeker's allowance or such other period which a deciding officer or an appeals officer considers appropriate having regard to the circumstances of the particular case, less an amount calculated in accordance with sub-article (3).

(3) For the purposes of sub-article (2) the amount shall be the aggregate of—

- (a) any allowable contributions referred to in regulations 41 and 42 of the Income Tax (Employments) (Consolidation) regulations 2001 (S.I. No. 559 of 2001),
- (b) any contributions payable under section 13(2)(b) and regulations made under section 14 or section 21,
- (c) any payment to a trade union, and
- (d) €90 per week in respect of each week in which he or she is engaged in insurable employment.”,

and

- (c) in article 146, by substituting “in accordance with article 145 or 145A, as the case may be,” for “in accordance with article 145”.

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



GIVEN under my Official Seal,
16 December 2015.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
18 December 2015.

JOAN BURTON,
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 a similar weekly earnings disregard in the case of recipients of the Jobseeker's Transitional Payment (JST) to that which applies to the One-Parent Family Payment (OFP).

The means test applying to JST recipients is being aligned more closely with the OFP means test by increasing the JST earnings disregard from €60 to €90 per week, and assessing the balance of any income at 50% instead of 60%. The basis for the calculation of means on JST is also being altered to change it from a day's basis (i.e. maximum disregard of €20 per day) to one where the entire disregard of €90 applies irrespective of how many days the JST recipient works.

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