



STATUTORY INSTRUMENTS.

S.I. No. 274 of 2024

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 7) (DOMICILIARY CARE
ALLOWANCE - TEMPORARY RESIDENCE IN AN INSTITUTION)
REGULATIONS 2024

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 7) (DOMICILIARY CARE ALLOWANCE - TEMPORARY RESIDENCE IN AN INSTITUTION) REGULATIONS 2024

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)), 99(3), 179(2), 186E(3) and 224(3) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), with the consent of the Minister for 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. 7) (Domiciliary Care Allowance - Temporary Residence in an Institution) 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.

Commencement

2. These Regulations come into operation on the 1st day of January 2023.

Domiciliary care allowance (temporary full-time residence in an institution) and consequential amendments to other carer's payments

3. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 are amended—

- (a) by the substitution of the following article for article 56A (inserted by article 3(b) of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Circumstances in which carer is to be regarded as providing full time care and attention) Regulations 2023 (S.I. No. 324 of 2023)):

“Circumstances in which carer is to be regarded as providing full-time care and attention – domiciliary care allowance.

56A. Notwithstanding paragraph (a) of article 56, a carer may be regarded as providing full-time care and attention—

- (a) for a period not longer than 18 months where the relevant person is a person to whom article 140E(i) applies, or

- (b) for a period of not longer than 26 weeks in a 12 month period where the relevant person is a person to whom article 140E(ii) applies.”,
- (b) by the substitution of the following sub-article for sub-article (1A) of article 136 (amended by article 3(c) of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Circumstances in which carer is to be regarded as providing full time care and attention) Regulations 2023 (S.I. No. 324 of 2023)):
- “(1A) Notwithstanding sub-article (1)(a), a carer may be regarded as providing full-time care and attention–
- (a) for a period not longer than 18 months where the relevant person is a person to whom article 140E(i) applies, or
- (b) for a period of not longer than 26 weeks in a 12 month period where the relevant person is a person to whom article 140E(ii) applies.”,
- (c) by the substitution of the following article for article 140E (amended by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.1) (Domiciliary Care Allowance - Temporary Residence in an Institution) Regulations 2022 (S.I. No. 200 of 2022)):

“Payment in respect of temporary full-time residence in an institution.

140E. For the purpose of section 186E(3) domiciliary care allowance shall be payable in respect of a qualified child–

- (i) for not more than 18 months where immediately after birth, the qualified child, being a child born on or after 1 January 2023, remains in hospital or is transferred to another hospital for medical or other treatment, or
- (ii) for not more than 26 weeks in a 12 month period where the qualified child is admitted to an institution on a full-time basis for the purpose of receiving medical or other treatment of a temporary nature.”,

and

- (d) by the substitution of the following article for article 167A (inserted by article 3(e) of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Circumstances in which carer is to be regarded as providing full time care and attention) Regulations 2023 (S.I. No. 324 of 2023)):

“Circumstances in which carer is to be regarded as providing full-time care and attention – domiciliary care allowance.

167A. Notwithstanding paragraph (b) of article 167, a carer may be regarded as providing full-time care and attention–

- (a) for a period not longer than 18 months where the relevant person is a person to whom article 140E(i) applies, or
- (b) for a period of not longer than 26 weeks in a 12 month period where the relevant person is a person to whom article 140E(ii) applies.”.



GIVEN under my Official Seal,
15 May, 2024.

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



GIVEN under my Official Seal,
25 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.)

These Regulations increase the period in which Domiciliary Care Allowance is payable in respect of a child who remains in hospital for medical treatment immediately after birth. The period is increased from 26 weeks in a 12 month period to a period of 18 months.

The Regulations also contain consequential amendments to associated provisions relating to eligibility for Carer's Benefit, Carer's Allowance, and the Carer's Support Grant.

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