



STATUTORY INSTRUMENTS.

**S.I. No. 602 of 2011**

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SOCIAL WELFARE (CONSOLIDATED CONTRIBUTIONS AND  
INSURABILITY) (AMENDMENT) (CIVIL PARTNERSHIP)  
REGULATIONS 2011

**(Prn. A11/2130)**

SOCIAL WELFARE (CONSOLIDATED CONTRIBUTIONS AND  
INSURABILITY) (AMENDMENT) (CIVIL PARTNERSHIP)  
REGULATIONS 2011

I, JOAN BURTON, Minister for Social Protection in exercise of the powers conferred on me by sections 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)), 24, 27 and 33 of, and Part 3 of Schedule 1 to, the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 186 of 2010)), and by sections 14, 22, and 25 of the Social Welfare Consolidation Act 2005, with the consent of the Minister for Finance given after consultation with 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 Contributions and Insurability) (Amendment) (Civil Partnership) Regulations 2011.

(2) These Regulations and the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 to 2010 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 to 2011.

*Definition.*

2. In these Regulations “Principal Regulations” means the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 (S.I. No. 312 of 1996).

*Non-commissioned army officers and enlisted personnel of Defence Forces.*

3. Article 87(2) of the Principal Regulations is amended by substituting the following paragraph for paragraph (c):

“(c) benefit (other than bereavement grant, carer’s benefit and treatment benefit, to such extent as may be provided for in regulations made under section 117, and widow's (contributory) pension, widower's (contributory) pension, surviving civil partner’s (contributory) pension or deserted wife's benefit where such pension or benefit is granted in respect of a death or desertion arising before the current period of employment commenced) shall not be granted in respect of the insurance of any person to whom this article applies while such person is serving as a member of the Defence Forces.”.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 25th November, 2011.*

*Excepted self-employed contributors (prescribed relatives).*

4. Article 94 of the Principal Regulations is amended by substituting “husband, wife or civil partner” for “husband or wife”.

*References to widow’s (contributory) pension or widower’s (contributory) pension.*

5. The Principal Regulations are amended in the manner specified in the Schedule to these Regulations.

## SCHEDULE

Article 5

### AMENDMENTS TO PRINCIPAL REGULATIONS

Provision affected (1)	Amendment (2)
Articles 23(2), 35(b)(i), 57(2), 58(4), 63C(2), 81(2)(b), 82(2)(b) and 83(2)(b)	Substitute “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension” in each place where it occurs
Articles 63A(2) and 63B(2)	Substitute “widow’s (contributory) pension, widower’s (contributory) pension or surviving civil partner’s (contributory) pension” for “widow’s (contributory) pension or widower’s (contributory) pension” in each place where it occurs

The Minister for Finance, following consultation with the Minister for Public Expenditure and Reform, consents to the foregoing Regulations.



GIVEN under my Official Seal,  
17 November 2011.

MICHAEL NOONAN,  
Minister for Finance.



GIVEN under my Official Seal,  
21 November 2011.

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.)*

Following the enactment of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act in July 2010, the Social Welfare and Pensions Act 2010 provided for a range of amendments to the Social Welfare Consolidation Act 2005 to comply with the new civil partnership legislation. These amendments to the Social Welfare Consolidation Act took effect from 1 January 2011.

These Regulations make the necessary amendments to the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 to ensure compliance with the civil partnership legislation. In the main these changes extend to civil partners the various rights and obligations that currently apply to spouses and amend various references to the widow's and widower's (contributory) pension to include reference also to the surviving civil partner's (contributory) pension.

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