



STATUTORY INSTRUMENTS.

S.I. No. 699 of 2021

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 18) (COVID-19 PANDEMIC
UNEMPLOYMENT PAYMENT) REGULATIONS 2021

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 18) (COVID-19 PANDEMIC UNEMPLOYMENT PAYMENT) REGULATIONS 2021

I, HEATHER HUMPHREYS, Minister for Social Protection, having regard to the continuing risks to public health arising from COVID-19 and the consequent impact on employers and employees, and having regard to the matters specified in subsection (3) of section 68N, subsection (4) of section 68O and subsection (2) of section 68P of Chapter 12B and 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)) and 68N(1), 68N(2), 68O(1), 68O(2), 68O(3) and 68P of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), 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. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2021 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2021.

Covid-19 Pandemic Unemployment Payment

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

(a) in article 52I(2)—

(i) by the insertion of the following paragraph after paragraph (a):

“(aa) in the case of an employed contributor, who in accordance with article 52LA qualifies for Covid-19 pandemic unemployment payment, that person’s reckonable earnings for the period 1 January 2019 to 31 December 2019 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, or that person’s reckonable earnings for the period 1 January 2020 to 29 February 2020 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, or that person’s reckonable earnings for the period 1 January 2020 to 30 September 2020

inclusive, or that person's reckonable earnings for the period 1 January 2020 to 31 December 2020 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, or that person's reckonable earnings for the period 1 January 2021 to 31 December 2021 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, whichever is the greater.”,

- (ii) by the insertion of the following paragraph after paragraph (b):

“(ba) in the case of a self-employed contributor, who in accordance with article 52LA qualifies for Covid-19 pandemic unemployment payment, that person's reckonable income or reckonable emoluments for the 2018 income tax year, divided by the number of contribution weeks in that period, or that person's reckonable income or reckonable emoluments for the 2019 income tax year, or that person's reckonable income or reckonable emoluments for the 2020 income tax year, divided by the number of contribution weeks in that period, whichever is the greater.”,

- (iii) by the insertion of the following paragraph after paragraph (c):

“(ca) in the case of a person, who in accordance with article 52LA qualifies for Covid-19 pandemic unemployment payment, and whose reckonable weekly income during the 2019 income tax year or the 2020 income tax year derived from reckonable earnings as an employed contributor and reckonable income or reckonable emoluments as a self-employed contributor, the aggregate of that income divided by the number of contribution weeks in the said income tax year.”,

and

- (iv) by the insertion of the following paragraph after paragraph (d):

“(da) The number of weeks in which the person, who in accordance with article 52LA qualifies for Covid-19 pandemic unemployment payment, had reckonable earnings in sub-article (aa) shall not include weeks in which the person's employer was in receipt of the temporary wage subsidy in respect of the person.”,

- (b) in article 52L, by the substitution of “Subject to article 52LA for” for “For”,

- (c) by the insertion of the following article after article 52L:

“Certain business sectors - applications for the Covid-19 pandemic unemployment payment

52LA (1) Notwithstanding article 52L, where, by reason of the Government’s decision of 3 December 2021 to temporarily impose restrictions on the trading of certain business sectors, a person who is—

an employed contributor on or after 7 December before he or she ceased to earn an income from the employment concerned and lost his or her employment as a consequence of Covid-19 (including the adverse effects of Covid-19 on the business of his or her employer and the adverse effects of measures required to be taken by his or her employer in order to comply with, or as a consequence of, Government policy, to prevent, limit, minimise or slow the spread of infection of Covid-19),

or

in insurable self-employment in the week immediately before 7 December in which he or she can demonstrate to the Minister that the reckonable income or reckonable emoluments ceased, or reduced significantly, as a direct consequence of Covid-19 (including the adverse effects of Covid-19 on such self-employment and the adverse effects of measures required to be taken by him or her in order to comply with, or as a consequence of, Government policy to prevent, limit, minimise or slow the spread of infection of Covid-19), to the extent that he or she would be available to take up full-time employment,

that person shall, in respect of any period of cessation of income arising on or after 7 December 2021, be entitled to apply for Covid-19 pandemic unemployment payment.

(2) This article shall cease to have effect in line with the cessation of the temporary restrictions on certain business sectors introduced by reason of the Government’s decision (S180/20/10/0648L) of 3 December 2021.”,

- (d) in article 52J, by the substitution of “Subject to article 52MB, in the case” for “In the case”, in each place that it occurs,

- (e) in article 52M—

(i) in sub-article (1), by the substitution of “Subject to article 52MA, for” for “For”, and

(ii) in sub-article (2), by the substitution of “Subject to article 52MB, in the case” for “In the case”, in each place that it occurs,

and

(f) by the insertion of the following articles after article 52M:

“Exception to article 52M(1) for those in specified business sectors whose income ceased on or after 7 December 2021

52MA. Article 52M(1) shall not apply in respect of any period on or after 7 December 2021 in the case of a person to whom article 52LA also applies to that person in respect of that period.”

“Rates of payment for those in specified business sectors whose income ceased on or after 7 December 2021

52MB(1) Notwithstanding articles 52J and 52M, where a deciding officer determines that a person is entitled to Covid-19 pandemic unemployment payment in accordance with article 52LA, the weekly rates of Covid-19 pandemic unemployment payment shall be as follows:

Band A: €150.00 in the case of a person whose average reckonable weekly income calculated in accordance with article 52I is less than €151.50,

Band B: €203.00 in the case of a person whose average reckonable weekly income calculated in accordance with article 52I is equal to or greater than €151.50 but less than €200.00,

Band C: €250.00 in the case of a person whose average reckonable weekly income calculated in accordance with article 52I is equal to or greater than €200.00 but less than €300.00,

Band D: €300.00 in the case of a person whose average reckonable weekly income calculated in accordance with article 52I is equal to or greater than €300.00 but less than €400.00, and

Band E: €350.00 in the case of a person whose average reckonable weekly income calculated in accordance with article 52I is equal to or greater than €400.00.

(2) The rates of payment specified in sub-article (1) shall apply from 3 December 2021.”.

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



GIVEN under my Official Seal,
9 December, 2021.

MICHAEL MCGRATH,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
9 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.)

These Regulations provide for the payment of Covid-19 Pandemic Unemployment Payment to applicants in circumstances where, directly as a result of the Government's decision to restrict the operating hours of certain hospitality and entertainment venues, a person's income from employment ceases, or in the case of the self-employed, ceases or is substantially reduced. Payment of Covid-19 Pandemic Unemployment Payment is limited to employees in such circumstances on 7 December 2021 (in the case of self-employed, the week immediately before 7 December 2021) and is payable in respect of periods after 7 December 2021.

The Regulations provide for 5 rates of payment, with a rate of €150 payable to those whose average weekly income was less than €151.50. There are also weekly rates of €203, €250, €300 and €350 depending on the claimant's average weekly income.

These Regulations have no effect for those currently in receipt of Covid-19 Pandemic Unemployment Payment and whose rate of payment has reduced.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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