STATUTORY INSTRUMENTS.

S.I. No. 254 of 2013

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 6) (RETAINED FIRE FIGHTERS) REGULATIONS 2013

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 6) (RETAINED FIRE FIGHTERS) REGULATIONS 2013

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)), 62(9) and 141(7) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), and by sections 62(3) and 62(7) of that 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. 6) (Retained Fire Fighters) Regulations 2013.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013.

Definition.

2. In these Regulations "Principal Regulations" means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007).

Persons regarded as available for employment.

3. Article 15 of the Principal Regulations is amended—

(*a*) in sub-article (2) by substituting "Subject to sub-article (4), a person shall not be regarded" for "A person shall not be regarded",

(*b*) by inserting the following sub-article after sub-article (3):

"(4) For the purposes of sub-article (2)(*e*), employment as a retained fire fighter shall not be regarded as an unreasonable restriction where that person is available for—

(*a*) employment which is additional to his or her employment as a retained fire fighter and which would not necessitate cessation of the employment as a retained fire fighter, and/or

(*b*) alternative employment which would necessitate cessation of the employment as a retained fire fighter.".

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 16*th July*, 2013.

Jobseeker's benefit — days not to be treated as days of unemployment.

4. Article 44(1) of the Principal Regulations is amended by substituting the following paragraph for paragraph (*b*):

"(*b*) follows any occupation from which he or she derives any remuneration or profit, unless such occupation—

(i) could ordinarily have been followed by him or her in addition to his or her usual employment and outside the ordinary working hours of that employment and—

(I) the remuneration or profit from any day of such occupation does not exceed €12.70, or, where the remuneration or profit is in respect of a period longer than a day, such remuneration or profit does not on the daily average exceed that amount, or

(II) not less than 117 employment contributions have been paid in respect of him or her in respect of the period of 3 years immediately preceding that day or in respect of the last 3 complete contribution years immediately preceding that day,

or

(ii) constitutes employment as a retained fire fighter.".

Substantial loss of employment.

5. Article 49 of the Principal Regulations is amended by substituting "7 consecutive days" for "6 consecutive days".

Jobseeker's allowance — days of unemployment.

6. The Principal Regulations are amended by substituting the following article for article 117 (amended by article 4 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Allowance Transition) Regulations 2013 (S.I. No. 244 of 2013)):

"Days of unemployment.

117. (1) Other than in the case of a person to whom section 148A applies, for the purposes of Chapter 2 of Part 3, a day shall be treated as a day of unemployment if it is a day in respect of which a person—

(*a*) proves unemployment in accordance with article 118, and

(*b*) subject to sub-article (2), does not work for wages or other remuneration, whether paid in money or otherwise.

(2) Sub-article (1)(*b*) shall not apply to employment as a retained fire fighter.".

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

L.S.

GIVEN under my Official Seal,
10 July 2013.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.

L.S.

GIVEN under my Official Seal,
10 July 2013.

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.)

Due to the nature of their employment, retained fire fighters can have difficulty in complying with certain conditions applying to Jobseeker's payments. Section 9 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 amends the Jobseeker's Benefit and Jobseeker's Allowance schemes to exempt retained fire fighters from certain conditions to enable them access these schemes.

These Regulations provide for a number of further changes to the Jobseeker's Benefit and Jobseeker's Allowance schemes in the case of retained fire fighters, including an easing of the rules relating to availability for employment and the days which are and are not to be treated as days of unemployment.

These Regulations also amend the circumstances in which a person is to be regarded as having sustained a substantial loss of employment in the light of amendments contained in the Social Welfare Act 2012 to provide that Sundays will be taken into account for the purposes of determining entitlement to Jobseeker's payments. Where a claimant's earnings are reduced as a consequence of the loss of employment, a claimant for Jobseeker's Benefit will be regarded as having sustained a substantial loss of employment in any period of 7 consecutive days where that person has lost 1 day's employment.

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