

**Declaration by Ireland pursuant to Article 9 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems for the reference year ending 31 December 2022.**

**I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY**

None

**II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY**

**1. Sickness benefits**

(i) Benefits in kind

Health Act 1947 (No. 28 of 1947) (as amended) [Sickness Benefits in Kind]

The date of application of Regulation (EC) No 883/2004 to the Health Act 1947 (as amended), in so far as it is covered by the scope of the Regulation, is **1 May 2010**. This is also the date from which the Regulation applies in Ireland.

Chapter 22 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Treatment Benefit]

The date of application of the Social Welfare Consolidation Act 2005 is 1 December 2005 and the date of application of Regulation (EC) No 883/2004 to the Social Welfare Consolidation Act 2005 (as amended), in so far as it is covered by the scope of the Regulation, is **1 May 2010**, except where otherwise stated. This is also the date from which the Regulation applies in Ireland.

(ii) Benefits in cash

Chapter 8 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Illness Benefit]

Chapter 10 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Health and Safety Benefit]

Chapter 14 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Carer's Benefit]

**2. Maternity and equivalent paternity benefits**

(i) Benefits in kind

Health Act 1947 (No. 28 of 1947) (as amended) [Maternity Benefits in Kind]

(ii) Benefits in cash

Chapter 9 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Maternity Benefit]

Chapter 11 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Adoptive Benefit]

Part 5 of the Paternity Leave and Benefit Act 2016 (No. 11 of 2016) inserting Chapter 11A in Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Paternity Benefit]

The date of application of Regulation (EC) No 883/2004 to Chapter 11A of Part 2 of the Social Welfare Consolidation Act 2005 (as amended) is **1 September 2016**.

### **3. Invalidity benefits**

(i) Benefits in kind

Health Act 1947 (No. 28 of 1947) (as amended) [Invalidity Benefits in Kind]

(ii) Benefits in cash

Section 12 of the Social Welfare and Pensions Act 2010 (No. 37 of 2010) inserting Chapter 8A in Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Partial Capacity Benefit]

The date of application of Regulation (EC) No 883/2004 to Chapter 8A in Part 2 of the Social Welfare Consolidation Act 2005 (as amended) is **13 February 2012**.

Chapter 17 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Invalidity Pension]

Section 4(1)(a) of the Social Welfare Act 2016 (No. 15 of 2016) amending section 21(1)(e) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) extends cover for Invalidity Pension to self-employed contributors.

The date of application of Regulation (EC) No 883/2004 to section 21(1)(e) of the Social Welfare Consolidation Act (as amended) is **1 December 2017**.

### **4. Old-age benefits**

(i) Benefits in kind

None

(ii) Benefits in cash

Chapter 15 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended)  
[State Pension (Contributory)]

## **5. Survivors' benefits**

(i) Benefits in kind

None

(ii) Benefits in cash

Chapter 18 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended)  
[Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension]

Chapter 19 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended)  
[Guardian's Payment (Contributory)]

## **6. Benefits in respect of accidents at work and occupational diseases**

(i) Benefits in kind

Health Act 1947 (No. 28 of 1947) (as amended) [Benefits in kind for accidents at work and occupational diseases]

(ii) Benefits in cash

Chapter 13 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended)  
[Occupational Injuries Benefits]

## **7. Death grants**

Benefits in cash

Chapter 21 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended)  
[Widowed or Surviving Civil Partner Grant]

## **8. Unemployment benefits**

(i) Benefits in kind

None

(ii) Benefits in cash

Chapter 12 of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Jobseeker's Benefit]

Part 2 of the Social Welfare Act 2019 (No. 34 of 2019) inserting Chapter 12A of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Jobseeker's Benefit (Self-Employed)]

The date of application of Regulation (EC) No 883/2004 to Chapter 12A of Part 2 of the Social Welfare Consolidation Act 2005 (as amended) is **1 November 2019**.

## **9. Pre-retirement benefits**

Benefits in cash

None

## **10. Family benefits**

(i) Benefits in kind

None

(ii) Benefits in cash

Sections 168 to 171 of Chapter 6 of Part 3 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Guardian's Payment (Non-Contributory)]

Chapter 7 of Part 3 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [One-Parent Family Payment]

Section 15 of the Social Welfare and Pensions Act 2008 (No. 2 of 2008) inserting Chapter 8A in Part 3 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Domiciliary Care Allowance]

Section 29 of the Parent's Leave and Benefit Act 2019 (No. 35 of 2019) inserting Chapter 11B in Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Parent's Benefit]

The date of application of Regulation (EC) No 883/2004 to Chapter 11B of Part 2 of the Social Welfare Consolidation Act 2005 (as amended) is **1 November 2019**.

Part 4 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Child Benefit]

Part 6 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Working Family Payment]

Section 8 of the Social Welfare (Miscellaneous Provisions) Act 2015 (No. 12 of 2015) inserting Part 7A in the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Back to Work Family Dividend]

The date of application of Regulation (EC) No 883/2004 to Part 7A in the Social Welfare Consolidation Act 2005 (as amended) is **5 January 2015**.

#### **11. Special non-contributory cash benefits**

a) Special non-contributory cash benefits intended to provide a minimum level of subsistence pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004

Benefits in cash

Chapter 2 of Part 3 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Jobseekers' Allowance]

Chapter 4 of Part 3 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [State Pension (Non-Contributory)]

Chapter 5 of Part 3 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Blind Pension]

Chapter 6 of Part 3 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Widow's, Widower's or Surviving Civil Partner's (Non-Contributory) Pension]

Chapter 10 of Part 3 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended) [Disability Allowance]

b) Special non-contributory cash benefits intended to provide special protection for disabled persons with reference to the social environment pursuant to Article 70(2)(a)(ii) of Regulation (EC) No 883/2004

Benefits in cash

Section 61 of the Health Act 1970 (No. 1 of 1970) (as amended) [Mobility Allowance]

The date of application of Regulation (EC) No 883/2004 to the Health Act 1970 (as amended), in so far as it is covered by the scope of the Regulation, is **1 May 2010**. This scheme has been closed to new applicants since February 2013. Payments will continue to be made by the Health Service Executive to current recipients of the Mobility Allowance for a further period pending decisions on a new statutory scheme.

### **III. CONVENTIONS ENTERED INTO AS REFERRED TO IN ARTICLE 8(2) OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY**

The Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland agreed a Convention on Social Security, under the Ireland and United Kingdom Common Travel Area arrangements.

The Convention was given effect in Irish law at 11.00pm on the 31st December 2020 by virtue of (SI 746 of 2020) Social Welfare (Convention on Social Security between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland) Order 2020, being the time and date on which the transition period ended following the withdrawal of the United Kingdom from the European Union.

**IV. MINIMUM BENEFITS REFERRED TO IN ARTICLE 58 OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY**

None

**V. POSSIBILITY FOR ANY CATEGORY OF SELF-EMPLOYED PERSONS TO BE COVERED BY AN UNEMPLOYMENT BENEFITS SYSTEM (ARTICLE 65A(1) OF REGULATION (EC) NO 883/2004) & LEGISLATIVE REFERENCE WHERE APPLICABLE**

The legislation of Ireland provides for the possibility for self-employed persons to be covered by the unemployment benefits system.

Jobseeker's Benefit (Self-Employed) introduced with effect from **1 November 2019** by Chapter 12A of Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (as amended)