



AN BILLE LEASA SHOISIALAIGH, 1974
SOCIAL WELFARE BILL, 1974

EXPLANATORY MEMORANDUM

1. This Bill is intended to make the legislative changes necessary when title to children's allowance under the Social Welfare (Children's Allowances) Acts, which at present is vested in the father of the child, is vested in the mother. The Minister intends to give effect to the change in title by exercising the powers conferred on him by the Children's Allowances (Amendment) Act, 1946, to prescribe new Normal Residence Rules for the purposes of children's allowances. The Bill contains the necessary provisions to ensure that, following the making of the new Rules, there will be no change in the determination of the normal residence of children in respect of whom increases of benefit, pension or assistance are paid under the other social insurance and assistance schemes.

2. *Section 4* of the Bill gives power to the Minister to make regulations for determining with whom a qualified child shall be regarded as normally resident for purposes other than children's allowances. Under existing provisions the normal residence of children in respect of whom increases of benefit, pension or assistance are paid is determined by the Children's Allowances (Amendment) Act, 1946 and the Normal Residence Rules made under that Act. The regulations to be made under the amended section 2 (6) of the Social Welfare Act, 1952, will ensure that, when new Normal Residence Rules are made vesting title to children's allowances in the mother of the child rather than the father, there will be no change in the existing position in regard to entitlement to increases in respect of children under the schemes of unemployment benefit, disability benefit, widow's (contributory) pension, invalidity pension, deserted wife's benefit, old age (contributory) pension and retirement pension.

3. *Section 5* provides that the regulations to be made under Section 4 will also apply in relation to increases in respect of children under the social assistance schemes of widow's (non-contributory) pension, unemployment assistance, deserted wife's allowance and unmarried mother's allowance and under the occupational injuries benefit scheme.

4. *Section 6* provides similarly in relation to old age and blind (non-contributory) pensions while *Section 7* makes the necessary consequential changes in relation to the payment of a death grant in respect of a qualified child.

5. *Section 8* provides for determining, for the purposes of children's allowances, the normal residence of a child who is resident in an institution. The provision is necessary to ensure that when title to children's allowance is vested in the mother, under the new Normal Residence Rules to be prescribed by the Minister, a child resident in an institution towards whose maintenance contributions are being made will be regarded as normally resident with his mother in the first instance.

6. *Section 9* contains two provisions. The first relates to those mothers or step-mothers who, having been nominated as payees by

the fathers, are at present receiving children's allowances in respect of their children. The new Normal Residence Rules to be prescribed for children's allowances will vest title to the allowances in these mothers and step-mothers. The provision is designed to avoid their being required to make formal claims for the allowances in their own right, the existing claims being treated as having been made by the mothers or step-mothers. The second provides that where in existing cases, a father entitled to a children's allowance has not nominated the mother to receive the allowance and the mother, when title to the allowance is vested in her, wishes this situation to continue, the father will be treated as having been nominated by the mother to receive the allowance and it will continue to be paid to him. The provision will obviate the necessity, in existing cases, for the mother to formally nominate the father as payee. If, however, the mother so elects, the allowance will be paid to her.

7. Section 3 provides that the Act will come into operation on a day to be specified by Ministerial order. It is intended that the regulations to be made under section 4 of the Bill and the amended Normal Residence Rules to be made under the Children's Allowances Acts will also be operative from that date.

8. Section 1 contains the usual provisions for short title, construction and collective citation while Section 2 contains usual interpretations.

*An Roinn Leasa Shóisialaigh,
Bealtaine, 1974.*

2. Section 1 of the Bill gives power to the Minister to make regulations for determining with whom a qualified child shall be regarded as normally resident for purposes other than children's allowances. Under existing provisions the normal residence of children in respect of whom increases of benefit, pension or assistance are paid is determined by the Children's Allowances (Amendment) Act, 1946 and the Normal Residence Rules made under that Act. The regulations to be made under the amended section 2 (6) of the Social Welfare Act, 1972 will ensure that when new Normal Residence Rules are made vesting title to children's allowances in the mother of the child rather than the father, there will be no change in the existing position in regard to entitlement to increases in respect of children under the schemes of unemployment benefit, disability benefit, widow's (contributory) pension, invalidity pension, deserted wife's benefit, old age (contributory) pension and retirement pension.

3. Section 2 provides that the regulations to be made under section 4 will also apply in relation to increases in respect of children under the social assistance schemes of widow's (non-contributory) pension, unemployment assistance, deserted wife's allowance and unmarried mother's allowance and under the occupational pension scheme.

4. Section 6 provides similarly in relation to old age and blind (non-contributory) pensions while section 7 makes the necessary consequential changes in relation to the payment of a death grant in respect of a qualified child.

5. Section 8 provides for determining, for the purposes of children's allowances, the normal residence of a child who is resident in an institution. The provision is necessary to ensure that when title to children's allowance is vested in the mother, under the new Normal Residence Rules to be prescribed by the Minister, a child resident in an institution towards whose maintenance contributions are being made will be regarded as normally resident with his mother in the first instance.