



AN BILLE LEASA SHOISIALAIGH, 1974
SOCIAL WELFARE BILL, 1974

Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas

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AN BILLE LEASA SHOISIALAIGH, 1974
SOCIAL WELFARE BILL, 1974

BILL

entitled

AN ACT TO AMEND AND EXTEND THE OLD AGE PEN- 5
SIONS ACTS, 1908 TO 1973, THE UNEMPLOYMENT
ASSISTANCE ACTS, 1933 TO 1973, THE WIDOWS' AND
ORPHANS' PENSIONS ACTS, 1935 TO 1973, THE SOCIAL
WELFARE (CHILDREN'S ALLOWANCES) ACTS, 1944 TO
1973, AND THE SOCIAL WELFARE ACTS, 1952 TO 1973. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

Short title,
construction
and
collective
citation.

1.—(1) This Act may be cited as the Social Welfare Act, 1974.

(2) This Act— 15

(a) in so far as it amends and extends the Old Age Pensions Acts, 1908 to 1973, shall be construed as one with those Acts and may be cited together with them as the Old Age Pensions Acts, 1908 to 1974,

(b) in so far as it amends and extends the Unemployment Assistance Acts, 1933 to 1973, shall be construed as one with those Acts and may be cited together with them as the Unemployment Assistance Acts, 1933 to 1974, 20

(c) in so far as it amends and extends the Widows' and Orphans' Pensions Acts, 1935 to 1973, shall be construed as one with those Acts and may be cited together with them as the Widows' and Orphans' Pensions Acts, 1935 to 1974, 25

(d) in so far as it amends and extends the Social Welfare (Children's Allowances) Acts, 1944 to 1973, shall be construed as one with those Acts and may be cited together with them as the Social Welfare (Children's Allowances) Acts, 1944 to 1974, 30

(e) in so far as it amends and extends the Social Welfare Acts, 1952 to 1973, shall be construed as one with those Acts and may be cited together with them as the Social Welfare Acts, 1952 to 1974. 35

Commencement.

2.—This Act shall come into operation on such day as the Minister for Social Welfare appoints by order.

- 3.—In this Act—
- “the Act of 1946” means the Children’s Allowances (Amendment) Act, 1946; 1946, No. 8.
- “the Act of 1952” means the Social Welfare Act, 1952; 1952, No. 11.
- 5 “the Act of 1966” means the Social Welfare (Occupational Injuries) Act, 1966; 1966, No. 16.
- “the Act of 1970” means the Social Welfare Act, 1970; 1970, No. 12.
- “the Act of 1973” means the Social Welfare Act, 1973. 1973, No. 10.

Definitions.

PART II

10 NORMAL RESIDENCE OF CHILDREN

4.—Section 2 of the Act of 1952 is hereby amended by the substitution of the following subsection for subsection (6):

Amendment of Section 2 of Act of 1952 (normal residence).

15 “(6) Any question relating to the normal residence of a qualified child shall, for the purposes of this Act, be decided in accordance with regulations made under this subsection.”

5.—(1) Section 3 of the Widows’ and Orphans’ Pensions Act, 1935 (inserted by section 109 of the Act of 1952) is hereby amended by the substitution of the following subsection for subsection (3):

Miscellaneous amendments consequential on section 4.

20 “(3) Any question relating to the normal residence of a qualified child shall, for the purposes of this Act and of the Seventh Schedule to the Social Welfare Act, 1952, as applied by this Act, be decided in accordance with the regulations made under subsection (6) (inserted by the Social Welfare Act, 1974) of section 2 of the Social Welfare Act, 1952.”

1935, No. 29.

25 (2) Subsection (1A) (inserted by section 98 of the Act of 1952) of section 4 of the Unemployment Assistance (Amendment) Act, 1935, is hereby amended by the substitution for the last paragraph of the following:

1935, No. 38.

30 “any question relating to the normal residence of a child shall, for the purposes of the Unemployment Assistance Acts, 1933 to 1974, be decided in accordance with the regulations made under subsection (6) (inserted by the Social Welfare Act, 1974) of section 2 of the Social Welfare Act, 1952.”

35 (3) Section 1 of the Act of 1966 is hereby amended by the substitution of the following subsection for subsection (5):

40 “(5) Any question relating to the normal residence of a child qualified for the purposes of this Act shall, for the purposes of this Act, be decided in accordance with the regulations made under subsection (6) (inserted by the Social Welfare Act, 1974) of section 2 of the Social Welfare Act, 1952.”

(4) Section 22 of the Act of 1970 is hereby amended by the substitution of the following subsection for subsection (4):

45 “(4) Any question relating to the normal residence of a qualified child shall, for the purposes of this section and the regulations thereunder, be decided in accordance with the regulations made under subsection (6) (inserted by the Social Welfare Act, 1974) of section 2 of the Act of 1952.”

(5) Section 8 of the Act of 1973 is hereby amended by the substitution of the following subsection for subsection (4) :

“(4) Any question relating to the normal residence of a qualified child shall, for the purposes of this section and the regulations thereunder, be decided in accordance with the regulations made under subsection (6) (inserted by the Social Welfare Act, 1974) of section 2 of the Act of 1952.”

Amendment of section 77 of Act of 1952 (old age pensions).

6.—Section 77 of the Act of 1952 is hereby amended by the substitution for subsection (2B) (inserted by section 24 of the Act of 1970) of the following subsection :

“(2B) In this section ‘ qualified child ’ in relation to a claimant or pensioner means—

(a) a qualified child as defined in section 2 (1) of this Act, who is determined in accordance with regulations made under section 2 (6) of this Act to be normally residing with the claimant or pensioner, or

(b) where the claimant or pensioner is a woman who is not a widow, a qualified child as defined in section 2 (1) of this Act who is determined in accordance with regulations made under section 2 (6) of this Act to be normally residing with the husband of the claimant or pensioner or with the head of the household in which she resides, or

(c) where the claimant or pensioner is a widow—

(i) a qualified child as defined in section 2 (1) of this Act, or

(ii) a person who is over the age of eighteen years and under the age of twenty-one years, is receiving full-time instruction by day at any university, college, school or other educational establishment and would, if he were under the age of eighteen years, be a qualified child as defined in section 2 (1) of this Act,

who is determined in accordance with regulations made under section 2 (6) of this Act to be normally residing with her.”

Amendment of Fourth Schedule to Act of 1952 (death grant for qualified child).

7.—The Fourth Schedule to the Act of 1952 is hereby amended by the substitution for the definition (inserted by the Act of 1970) of “ relevant insured person ” of the following definition:—

“ ‘ relevant insured person ’ means—

(a) in case the deceased person was a qualified child—

(i) the father or mother of such deceased person, or

(ii) the person with whom such deceased person at the date of death is determined in accordance with regulations made under subsection (6) (inserted by the Social Welfare Act, 1974) of section 2 of the Social Welfare Act, 1952, to have been normally residing or with whom he would have been normally so residing if he had not been committed to a reformatory or an industrial school, or

(iii) the spouse of the person referred to at subparagraph (ii) of this paragraph,

(b) in any other case—the deceased person or the spouse of the deceased person.”

PART III

CHILDREN'S ALLOWANCES

8.—Subsection (2) of section 5 of the Act of 1946 is hereby amended by the substitution of the following paragraph for paragraph (c):

Amendment of section 5 (2) of Act of 1946 (children resident in institutions).

“(c) where a qualified child is resident in an institution and contributions are made towards the cost of his maintenance in that institution, he shall be regarded as normally residing with the person with whom in accordance with the rules made under paragraph (a) of this subsection he would be determined to be normally residing if he were not resident in an institution but, where the person with whom he would thus be regarded as normally residing has abandoned or deserted the child, the child shall be regarded as normally residing with the head of the household of which he would normally be a member if he were not resident in an institution.”

9.—(1) Where, immediately before the commencement of this Act, the mother or step-mother of a qualified child was in receipt of a children's allowance in respect of that child, having been nominated in accordance with regulations made under the Social Welfare (Children's Allowances) Acts, 1944 to 1973, to receive the allowance, she shall on becoming the qualified person in respect of that child be treated as having made the claim for that allowance.

Avoidance of new claims for certain children's allowances by mother or step-mother.

(2) Where, immediately before the commencement of this Act, a person who was qualified for a children's allowance in respect of a qualified child had not so nominated the mother or step-mother of the child to receive the allowance, that person if he ceases to be a qualified person at the commencement of this Act shall be treated as having been so nominated by the qualified person to receive the allowance unless and until the qualified person otherwise elects.

(3) In this Act “children's allowance”, “qualified child” and “qualified person” have the meanings respectively assigned to them by section 1 (1) of the Act of 1946.

BILLE

dá ngairtear

Acht do leasú agus do leathnú Achtanna na bPinséan Seanaoise, 1908 go 1973, na nAchtanna um Chúnamh Díghostaíochta, 1933 go 1973, na nAchtanna um Pinsin do Bhaintreacha agus do Dhílleachtaí, 1935 go 1973, na nAchtanna Leasa Shóisialaigh (Liúntais Leanaí), 1944 go 1973, agus na nAchtanna Leasa Shóisialaigh, 1952 go 1973.

*Rite ag dhá Theach an Oireachtais,
6 Meitheamh, 1974*

BILL

entitled

An Act to amend and extend the Old Age Pensions Acts, 1908 to 1973, the Unemployment Assistance Acts, 1933 to 1973, the Widows' and Orphans' Pensions Acts, 1935 to 1973, the Social Welfare (Children's Allowances) Acts, 1944 to 1973, and the Social Welfare Acts, 1952 to 1973.

*Passed by both Houses of the Oireachtas,
6th June, 1974*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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