



AN BILLE LEASA SHOISIALAIGH (Uimh. 2), 1974
SOCIAL WELFARE (No. 2) BILL, 1974

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

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Old age pensions (new rates, extension of means limits, new allowances for adult dependants).
3. Unemployment assistance (new rates).
4. Widows' (non-contributory) pensions (new rates and extension of means limits).
5. Orphans' (non-contributory) pensions (new rates and extension of means limit).
6. Children's allowances (new rates).
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9. Prisoner's wife's allowance.
10. Payment of certain benefits after death.
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12. Social insurance benefits (new rates).
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14. Employment contributions (new rates).
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17. Amendment of section 20 of Act of 1952 (maternity allowance).
18. Amendment of section 22 of Act of 1952 (widow's (contributory) pension).
19. Amendment of section 26 of Act of 1952 (additional benefit for adult dependants).
20. Deserted wife's benefit (modification of contribution conditions).
21. Occupational injuries benefits (new rates).
22. Extension of disqualifications for pension under Old Age Pensions Acts, 1908 to 1974.
23. Amendment of section 13 of Social Welfare (Miscellaneous Provisions) Act, 1966, consequential on *section 22*.
24. Amendment of section 3 of Social Welfare (Pay-Related Benefit) Act, 1973.
25. Further relaxation of waiting period for unemployment assistance.
26. Short title, construction and collective citation.



AN BILLE LEASA SHOISIALAIGH (Uimh. 2), 1974
SOCIAL WELFARE (No. 2) BILL, 1974

BILL

entitled

AN ACT TO AMEND AND EXTEND THE OLD AGE PEN- 5
SIONS ACTS, 1908 TO 1974, THE UNEMPLOYMENT
ASSISTANCE ACTS, 1933 TO 1974, THE WIDOWS' AND
ORPHANS' PENSIONS ACTS, 1935 TO 1974, THE SOCIAL
WELFARE (CHILDREN'S ALLOWANCES) ACTS, 1944 TO 10
1974, AND THE SOCIAL WELFARE ACTS, 1952 TO 1974.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Definitions.

1.—In this Act—

- 1933, No. 46. “the Act of 1933” means the Unemployment Assistance Act, 1933;
- 1935, No. 29. “the Act of 1935” means the Widows' and Orphans' Pensions
Act, 1935; 15
- 1952, No. 11. “the Act of 1952” means the Social Welfare Act, 1952;
- 1960, No. 25. “the Act of 1960” means the Social Welfare (Amendment) Act,
1960;
- 1966, No. 16. “the Act of 1966” means the Social Welfare (Occupational In-
juries) Act, 1966; 20
- 1970, No. 12. “the Act of 1970” means the Social Welfare Act, 1970;
- 1973, No. 10. “the Act of 1973” means the Social Welfare Act, 1973;
- “the Minister” means the Minister for Social Welfare.

Old age pensions
(new rates,
extension of means
limits, new
allowances for
adult dependants).

2.—(1) Section 77 of the Act of 1952 is hereby amended by—

(a) the substitution for subsection (2) (inserted by the Act of 25
1973) of the following subsection:

“ (2) (a) A pension shall, in lieu of any other rate, be—

(i) where the weekly means of the claimant or
pensioner do not exceed £12.50—at the rate set
out in Table A to this subsection, 30

(ii) where the weekly means of the claimant or
pensioner exceed £12.50—at the rate at which, in

5 accordance with that Table, the pension would be payable if the weekly means of the claimant or pensioner exceeded £11.50 but did not exceed £12.50, less £1 for each amount (if any) of £1 by which those weekly means exceed £12.50, any fraction of £1 in those weekly means being treated for this purpose as £1; provided that if the rate calculated pursuant to this paragraph at which, but for this proviso, the pension would be payable is less than 50 new pence, the pension shall not be payable,

10
15 (iii) where the pensioner has attained the age of 80 years—at the rate of pension payable to him in accordance with subparagraph (i) or (ii) of this paragraph plus 55 new pence,

and the rate of pension so determined shall be increased, where the pensioner is one of a married couple, by the amount set out in Table B to this subsection—

20 (A) if the pensioner is a man, in respect of his wife if he is living with or wholly or mainly maintaining her and she is not in receipt of pension under the Acts or any benefit or pension under the Social Welfare Acts, 1952 to 1974, or

25 (B) if the pensioner is a woman, in respect of her husband if she is wholly or mainly maintaining him and he is incapable of self-support by reason of physical or mental infirmity and is not in receipt of pension under the Acts or any benefit or pension under the Social Welfare Acts, 1952 to 1974.

30 (b) For the purposes of this subsection, weekly means shall be the yearly means divided by fifty-two.

TABLE A

RATE OF PENSION

| Means of claimant or pensioner (1) | Weekly Rate | | |
|--|--|---|--|
| | Claimant or pensioner, no qualified child (2) | Claimant or pensioner, one qualified child (3) | Claimant or pensioner, two or more qualified children (4) |
| | £ | £ | £ |
| Where the weekly means of the claimant or pensioner— | | | |
| do not exceed £5 | 7-30 | 9-25 | 11-20 |
| exceed £5 but do not exceed £6 | 6-30 | 8-25 | 10-20 |
| exceed £6 but do not exceed £7 | 5-30 | 7-25 | 9-20 |
| exceed £7 but do not exceed £8 | 4-30 | 6-25 | 8-20 |
| exceed £8 but do not exceed £9 | 3-30 | 5-25 | 7-20 |
| exceed £9 but do not exceed £10 | 2-30 | 4-25 | 6-20 |
| exceed £10 but do not exceed £11 | 1-30 | 3-25 | 5-20 |
| exceed £11 but do not exceed £11-50 | 0-80 | 2-75 | 4-70 |
| exceed £11-50 but do not exceed £12-50 | no pension | 1-75 | 3-70 |

Plus, where there are more than two qualified children, £1-50 for each qualified child in excess of two.

TABLE B
INCREASE FOR AN ADULT DEPENDANT

| Means of claimant or pensioner | Weekly rate of increase |
|--|-------------------------|
| | £ |
| Where the weekly means of the claimant or pensioner— | |
| do not exceed £5 | 3-65 |
| exceed £5 but do not exceed £6 | 3-15 |
| exceed £6 but do not exceed £7 | 2-65 |
| exceed £7 but do not exceed £8 | 2-15 |
| exceed £8 but do not exceed £9 | 1-65 |
| exceed £9 but do not exceed £10 | 1-15 |
| exceed £10 but do not exceed £11 | 0-65 |
| exceed £11 but do not exceed £11-50 | 0-40 |
| exceed £11-50 | Nil |

and

1969, No. 19. (b) the substitution in subsection (5) (inserted by the Social Welfare (Miscellaneous Provisions) Act, 1969) of "four pounds, fifteen new pence" for "three pounds fifty new pence" (inserted by the Act of 1973). 5

1924, No. 19. (2) Section 8 of the Old Age Pensions Act, 1924 (as amended by the Act of 1973) is hereby amended by the substitution of the words "five hundred and ninety-eight pounds" for "four hundred and ninety-four pounds" in subsection (1) (i).

(3) This section shall come into operation on the 5th day of July, 10 1974.

Unemployment assistance (new rates).

3.—(1) In the Act of 1933, for the Schedule thereto (inserted by the Act of 1973) there is hereby substituted the Schedule to this section.

(2) This section shall come into operation on the 3rd day of July, 15 1974.

SCHEDULE
RATES OF UNEMPLOYMENT ASSISTANCE

| Classes of persons to whom the rates of unemployment assistance set out in this Schedule are applicable | Weekly rate of unemployment assistance applicable to persons resident in any urban area | Weekly rate of unemployment assistance applicable to persons resident in any other place |
|---|--|--|
| Person without a dependant | £6-35 | £6-05 |
| Person with an adult dependant | £10-95 | £10-55 |
| Person with an adult dependant and one child dependant | £12-90 | £12-50 |
| Person with an adult dependant and two or more child dependants | £14-85 plus, where there are more than two child dependants, £1-50 for each child dependant in excess of two. | £14-45 plus, where there are more than two child dependants, £1-50 for each child dependant in excess of two. |
| Person with one child dependant | £8-45 | £8-15 |
| Person with two or more child dependants | £10-40 plus, where there are more than two child dependants, £1-50 for each child dependant in excess of two. | £10-10 plus, where there are more than two child dependants, £1-50 for each child dependant in excess of two. |

4.—(1) Section 20 (inserted by section 105 of the Act of 1952) of the Act of 1935 is hereby amended by the substitution for subsection (1) of the following subsection :

Widows' (non-contributory) pensions (new rates and extension of means limits).

5 “(1) (a) A widow's (non-contributory) pension shall, subject to the provisions of this Act, be—

(i) where the weekly means of the widow do not exceed £12.50—at the rate set out in Table B to this subsection, and

10 (ii) where the weekly means of the widow exceed £12.50—at the rate at which, in accordance with that Table, the pension would be payable to the widow if her weekly means exceeded £11.50 but did not exceed £12.50, less £1 for each amount (if any) of £1 by which those weekly means exceed £12.50, any fraction of £1 in those weekly means being treated for this purpose as £1; provided that if the rate calculated pursuant to this paragraph at which, but for this proviso, the pension would be payable is less than 50 new pence, the pension shall not be payable.

15 (b) For the purposes of this subsection, weekly means shall be the yearly means divided by fifty-two.

TABLE B

WEEKLY RATES OF WIDOWS' (NON-CONTRIBUTORY) PENSIONS

| Means of Widow (1) | Widow, no qualified child (2) | Widow, one qualified child (3) | Widow, two or more qualified children (4) |
|--|--|---|--|
| | £ | £ | £ |
| Where the weekly means of the widow— | | | |
| do not exceed £5 | 7-30 | 9-70 | 12-10 |
| exceed £5 but do not exceed £6 | 6-30 | 8-70 | 11-10 |
| exceed £6 but do not exceed £7 | 5-30 | 7-70 | 10-10 |
| exceed £7 but do not exceed £8 | 4-30 | 6-70 | 9-10 |
| exceed £8 but do not exceed £9 | 3-30 | 5-70 | 8-10 |
| exceed £9 but do not exceed £10 | 2-30 | 4-70 | 7-10 |
| exceed £10 but do not exceed £11 | 1-30 | 3-70 | 6-10 |
| exceed £11 but do not exceed £11-50 | 0-80 | 3-20 | 5-60 |
| exceed £11-50 but do not exceed £12-50 | no pension | 2-20 | 4-60 |

Plus, where there are more than two qualified children, £2-40 for each qualified child in excess of two.

25 (2) This section shall come into operation on the 4th day of July, 1974, in the case of allowances payable by virtue of section 22 of the Act of 1970, section 8 of the Act of 1973 or section 9 of this Act, and on the 5th day of July, 1974, in all other cases.

5.—(1) Section 25 (inserted by section 5 of the Act of 1973) of the Act of 1935 is hereby amended by the substitution for the Table to subsection (1) of the Table to this section.

Orphans' (non-contributory) pensions (new rates and extension of means limit).

30 (2) This section shall come into operation on the 5th day of July, 1974.

TABLE
WEEKLY RATES OF ORPHANS' (NON-CONTRIBUTORY)
PENSIONS

| Means of Orphan | Weekly Rates |
|--|--------------|
| | £ |
| Where the weekly means of the orphan— | |
| do not exceed £1 | 4.75 |
| exceed £1 but do not exceed £2 | 3.75 |
| exceed £2 but do not exceed £3 | 2.75 |
| exceed £3 but do not exceed £4 | 1.75 |
| exceed £4 but do not exceed £5 | 0.75 |
| exceed £5 | No pension |

Children's allowances (new rates).
1952, No. 12.
1946, No. 8.

6.—(1) Section 6 (inserted by section 3 of the Social Welfare (Children's Allowances) Act, 1952) of the Children's Allowances (Amendment) Act, 1946, is hereby amended by the substitution for subsection (1) (inserted by section 6 of the Act of 1973) of the following subsection :—

“(1) Subject to the provisions of the Social Welfare (Children's Allowances) Acts, 1944 to 1974, and of the regulations thereunder, a person who is found to be qualified for a children's allowance shall, so long as he remains so qualified, be paid out of moneys provided by the Oireachtas a monthly allowance at the rate of—

- (a) £2.30 where he is qualified in respect of one qualified child,
- (b) £5.60 where he is qualified in respect of two qualified children,
- (c) £9.65 where he is qualified in respect of three or more qualified children, plus £4.05 in respect of each qualified child in excess of three.”

(2) This section shall come into operation on the 1st day of July, 1974.

Old age (care) allowance (new rate).

7.—(1) Section 21 (1) of the Act of 1970, which provides for old age (care) allowance, is hereby amended by the substitution of “£4.15” for “£3.50” (inserted by the Act of 1973).

(2) This section shall come into operation on the 4th day of July, 1974.

Single woman's allowance.

8.—(1) An allowance (in this section referred to as a single woman's allowance) shall, subject to regulations, be paid out of moneys provided by the Oireachtas to a woman—

- (a) who is single,
- (b) who has attained the age of fifty-eight years but has not attained pensionable age, and
- (c) who satisfies the conditions as to means specified for the purposes of this subsection by regulations.

(2) A single woman's allowance shall be at the rate set out in the Table to this section.

(3) The Minister may make regulations with respect to a single woman's allowance and such regulations may, in particular and without prejudice to the generality of the foregoing, apply (with or without modification), or make provisions corresponding (with or without modification) to, any provisions of or made under the Act of 1952 and the Acts amending or extending that Act.

(4) This section shall come into operation on the 4th day of July, 1974.

TABLE
RATE OF SINGLE WOMAN'S ALLOWANCE

| Means of claimant or beneficiary | Weekly Rate |
|--|--------------|
| | £ |
| Where the weekly means of the claimant or beneficiary— | |
| do not exceed £1 | 6.35 |
| exceed £1 but do not exceed £2 | 5.35 |
| exceed £2 but do not exceed £3 | 4.35 |
| exceed £3 but do not exceed £4 | 3.35 |
| exceed £4 but do not exceed £5 | 2.35 |
| exceed £5 but do not exceed £6 | 1.35 |
| exceed £6 but do not exceed £6.50 | 0.85 |
| exceed £6.50 | no allowance |

9.—(1) An allowance (in this section referred to as a prisoner's wife's allowance) shall, subject to regulations, be paid out of moneys provided by the Oireachtas to a woman—

(a) whose husband, being a prisoner, has been committed in custody to a prison or place of detention for a period of not less than six calendar months,

(b) who has not attained pensionable age,

(c) who, if she is less than forty years of age, has at least one qualified child residing with her, and

(d) who satisfies the conditions as to means specified for the purposes of this subsection by regulations.

(2) The rate of a prisoner's wife's allowance shall be the same as the rate of the widow's (non-contributory) pension which would be payable to the woman under the Widows' and Orphans' Pensions Acts, 1935 to 1974, if her husband were dead.

(3) A child shall be a qualified child for the purposes of this section in relation to a woman if, on the assumption that her husband was dead, the child would be a qualified child in relation to her for the purposes of the Widows' and Orphans' Pensions Acts, 1935 to 1974.

(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 section 2 (6) of the Act of 1952 and the regulations under that subsection.

(5) The Minister may make regulations with respect to any matter relating to a prisoner's wife's allowance and such regulations may, in particular and without prejudice to the generality of the foregoing, apply (with or without modification), or make provisions corresponding (with or without modification) to, any provisions of or made under the Act of 1952 and the Acts amending and extending that Act. 5

(6) This section shall come into operation on the 4th day of July, 1974.

Payment of certain benefits after death.

10.—(1) In this section "benefit" means— 10

(a) disability benefit (including any amount payable by way of pay-related benefit where appropriate),

(b) unemployment benefit (including any amount payable by way of pay-related benefit where appropriate),

(c) unemployment assistance, 15

(d) injury benefit (including any amount payable by way of pay-related benefit where appropriate),

(e) old age (contributory) pension,

(f) retirement pension,

(g) invalidity pension, 20

(h) pension under the Old Age Pensions Acts, 1908 to 1974.

(2) Notwithstanding any provisions to the contrary in the Old Age Pensions Acts, 1908 to 1974, the Unemployment Assistance Acts, 1933 to 1974, the Widows' and Orphans' Pensions Acts, 1935 to 1974, or the Social Welfare Acts, 1952 to 1974, or regulations made under those Acts, 25

(a) where a person who is in receipt of benefit which includes an increase in respect of an adult dependant, or which would include such an increase but for the receipt by the adult dependant of benefit in his own right, dies, payment of the benefit shall continue to be made for a period of six weeks after the date of death and shall during that period be made to such person and subject to such conditions as may be prescribed and 30

(b) in any case where payment is made under this section, entitlement to widow's (contributory) pension, widow's (non-contributory) pension, orphan's (contributory) allowance, orphan's (non-contributory) pension, benefit under section 26 (3) (inserted by the Act of 1960) of the Act of 1952 or death benefit under section 17, 18, 19 or 21 of the Act of 1966 shall not commence until after the expiration of the period of six weeks mentioned in subsection (2) of this section except and to the extent that regulations otherwise provide. 40

(3) The section shall come into operation on the 1st day of July, 1974. 45

Reduction of qualifying age for pension purposes.

11.—(1) Each of the following provisions is hereby amended by the substitution of "sixty-eight" for "sixty-nine" (inserted by the Act of 1973) where it occurs :—

1908, c. 40.

(a) section 2 (1) of the Old Age Pensions Act, 1908, 50

1932, No. 18.

(b) section 6 of the Old Age Pensions Act, 1932,

(c) section 10 (3) (b) of the Act of 1933,

(d) sections 21 (inserted by the Social Welfare (Miscellaneous Provisions) Act, 1964), 22 (1) and 36 (a) (i) of the Act of 1935, and

5 (e) sections 80 (2) and 81 (1) of the Act of 1952.

(2) Section 2 (1) of the Act of 1952 is hereby amended by the substitution of "sixty-eight" for "sixty-nine" (inserted by the Act of 1973) in the definition of "pensionable age".

(3) Section 81 (1) of the Act of 1952 (as amended by this Act) is
10 hereby amended by the substitution of "sixty-eighth anniversary" for "sixty-ninth anniversary" (inserted by the Act of 1973).

(4) In the case of a person who attains the age of 57 years on or after the 1st day of July, 1974,—

15 (i) the contribution condition for old age (contributory) pension set out in paragraph 6 (a) (inserted by the Act of 1960) of the Fourth Schedule to the Act of 1952 shall be construed as if "fifty-eight" were substituted for "sixty", and

20 (ii) section 9 of the Act of 1952 (as amended by section 4 of the Act of 1960) shall be construed as if "fifty-eight" were substituted for "sixty".

(5) (a) A person who attains the age of 69 years on or after the 1st day of July, 1974, but before the 5th day of January, 1976, may have his entitlement to old age (contributory) pension determined under the provisions of the Acts in operation prior to the 1st day of July, 1974, if that would be to his advantage.

30 (b) A person who has attained the age of 69 years before the 1st day of July, 1974, and has been awarded an old age (contributory) pension under the provisions of the Acts in operation prior to that date shall on and after that date have a right to such pension at the rate for the time being payable by reference to a yearly average of paid and credited contributions equal to the yearly average of paid and credited contributions calculated in his case under those provisions.

35 (c) Entitlement to a widow's (contributory) pension or deserted wife's benefit which is due to be determined by reference to the insurance record of a person attaining the age of 69 years before the 5th day of January, 1976, may be determined under the provisions of the Acts in operation prior to the 1st day of July, 1974, if this would be to the advantage of the claimant.

45 (d) A widow or a deserted wife who under the provisions of the Acts in operation prior to the 1st day of July, 1974, has been awarded a widow's (contributory) pension or deserted wife's benefit on the basis of her own or her husband's insurance record at the date on which she or he attained the then pensionable age shall on and after the 1st day of July, 1974, have a right to such pension or benefit at the rate for the time being payable by reference to a yearly average of paid and credited contributions equal to the yearly average of paid and credited contributions calculated in her case under those provisions.

55 (e) In this subsection "the Acts" means the Social Welfare Acts, 1952 to 1974.

(6) This section shall come into operation on the 1st day of July, 1974.

Social insurance benefits (new rates).

12.—(1) The Third Schedule to the Act of 1952 is hereby amended by the substitution for Part I (inserted by the Act of 1973) of the following :

5

**“ PART I
RATES OF PERIODICAL BENEFITS AND OF INCREASES THEREOF**

| Description of benefit (1) | Weekly Rate (2) | Increase for adult dependant (where payable) (3) | Increase for qualified child or for each of two qualified children (where payable) (4) | Increase for each qualified child in excess of two (where payable) (5) | Increase for adult dependant under section 26 (4) (where payable) (6) |
|--|--------------------|---|---|---|--|
| 1. Disability Benefit and Unemployment Benefit: | £ | £ | £ | £ | £ |
| (a) in the case of persons over the age of eighteen— | | | | | |
| (i) for a man, single woman or widow, married woman living apart from and unable to obtain any financial assistance from her husband or married woman entitled to an increase for a qualified child or qualified children or for a husband .. | 7.75 | 5.05 | 2.20 | 1.80 | — |
| (ii) for any other married woman .. | 6.55 | — | — | — | — |
| (b) in the case of persons under the age of eighteen— | | | | | |
| (i) where the person is entitled to an increase for a qualified child or qualified children or for an adult dependant | 7.75 | 5.05 | 2.20 | 1.80 | — |
| (ii) where the person is not so entitled | 6.55 | — | — | — | — |
| 2 Invalidity Pension: | | | | | |
| (a) for a man, single woman or widow, married woman living apart from and unable to obtain any financial assistance from her husband or married woman entitled to an increase for a qualified child or qualified children or for a husband | 7.75 | 5.05 | 2.20 | 1.80 | 4.15 |
| (b) for any other married woman .. | 6.55 | — | — | — | 4.15 |
| 3. Maternity Allowance | 7.75 | — | — | — | — |
| 4. Widow's (Contributory) Pension: | | | | | |
| (a) in the case of persons under the age of eighty | 7.80 | — | 2.55 | 2.55 | 4.15 |
| (b) in any other case | 8.40 | — | 2.55 | 2.55 | 4.15 |
| 5. Deserted Wife's Benefit | 7.80 | — | 2.55 | 2.55 | 4.15 |
| 6. Orphan's (Contributory) Allowance | 5.70 | — | — | — | — |
| 7. Retirement Pension and Old Age (Contributory) Pension: | | | | | |
| (a) in the case of persons under the age of eighty | 8.50 | 5.50 | 2.20 | 1.80 | 4.15 |
| (b) in any other case | 9.10 | 5.50 | 2.20 | 1.80 | 4.15 |
| (c) additional increase for an adult dependant who has attained pensionable age | — | 1.00 | — | — | — |

(2) This section shall come into operation—

- (a) in so far as it relates to disability benefit, unemployment benefit and maternity allowance, on the 1st day of July, 1974,
- 5 (b) in so far as it relates to deserted wife's benefit, invalidity pension and retirement pension, on the 4th day of July, 1974, and
- (c) in so far as it relates to any other benefit, on the 5th day of July, 1974.

10 13.—(1) Section 5 of the Social Welfare (Miscellaneous Provisions) Act, 1967, is hereby amended by the substitution for the Table to subsection (2) (amended by the Act of 1973) of the Table to this section.

Increase of certain rates of unemployment benefit. 1967, No. 18.

(2) This section shall come into operation on the 1st day of July, 15 1974.

TABLE

| Class of Person (1) | Weekly Rate (2) | Increase for adult dependant (where payable) (3) | Increase for qualified child or for each of two qualified children (where payable) (4) | Increase for each qualified child in excess of two (where payable) (5) |
|---|--------------------|---|---|---|
| | £ | £ | £ | £ |
| Person entitled to an increase in respect of a qualified child but not entitled to an increase in respect of an adult dependant | 6.50 | — | 1.95 | 1.50 |
| Any other person .. | 6.35 | 4.60 | 1.95 | 1.50 |

14.—(1) The Second Schedule to the Act of 1952 is hereby amended by the substitution, for the rate of contribution set out in each paragraph mentioned in column (1) of the Table to this section, of the rate set out in column (2) of that Table opposite the mention of that paragraph in column (1).

Employment contributions (new rates).

(2) This section shall come into operation on the 1st day of July, 1974.

TABLE

| Paragraph of Second Schedule (1) | Rate of Contribution (2) |
|--|-----------------------------|
| | £ |
| Paragraph 1 (a): | |
| (i) in the case of a male employed contributor .. | 1.24 |
| (ii) in the case of a female employed contributor .. | 1.18 |
| Paragraph 1 (b): | |
| (i) in the case of a male employed contributor .. | 1.63 |
| (ii) in the case of a female employed contributor .. | 1.61 |
| Paragraph 2 (a) | 1.12 |
| Paragraph 2 (b) | 1.49 |

| Paragraph of Second Schedule (1) | Rate of Contribution (2) |
|-------------------------------------|-----------------------------|
| Paragraph 2 A (a) | 0.98 |
| Paragraph 2 A (b) | 1.47 |
| Paragraph 3 (a) | 1.02 |
| Paragraph 3 (b) | 1.46 |
| Paragraph 3 A (a) | 1.17 |
| Paragraph 3 A(b) | 1.89 |
| Paragraph 4 (a) | 0.27 |
| Paragraph 4 (b) | 0.37 |
| Paragraph 5 (b) | 0.37 |
| Paragraph 6 (a) | 1.15 |
| Paragraph 6 (b) | 1.61 |
| Paragraph 7 (a) | 1.29 |
| Paragraph 7 (b) | 1.84 |

Voluntary contributions (new rates).

15.—(1) Section 6 of the Act of 1952 is hereby amended by the substitution for subsection (2) (inserted by the Act of 1960) of the following subsection :

“(2) Voluntary contributions shall be weekly contributions which shall be paid by voluntary contributors who are under 5 pensionable age at the rate of—

(a) £0.64 for each contribution week where, immediately before ceasing to be employed contributors, they were insurably employed in employment in respect of which the employment contributions payable are not reckonable for the purposes of old age (contributory) pension, and 10

(b) £1.67 for each contribution week where, immediately before ceasing to be employed contributors, they were insurably employed in employment in respect of which the employment contributions payable are reckonable for the purposes of old age (contributory) pension, 15

in the case both of male voluntary contributors and female voluntary contributors.”.

(2) This section shall come into operation on the 1st day of July, 20 1974.

Amendment of section 6 of Act of 1952 (removal of liability to pay certain contributions).

16.—(1) Section 6 of the Act of 1952 is hereby amended by the substitution for subsection (10) (inserted by section 13 of the Act of 1973) of the following subsection:

“(10) The rate of employment contribution specified in the 25 Second Schedule to this Act as payable by the employed contributor shall not be payable in the case of an employed contributor who is in receipt of any of the following—

(a) a widow’s (contributory) pension,

- (b) a widow's (non-contributory) pension,
- (c) deserted wife's benefit,
- (d) a deserted wife's allowance,
- (e) death benefit by way of widow's pension under the Social Welfare (Occupational Injuries) Act, 1966,
- (f) a social assistance allowance under section 8 of the Social Welfare Act, 1973,
- (g) a payment corresponding to a pension under (a) or (e) of this subsection from the competent institution of a member state (other than the State) of the European Economic Community under legislation to which the regulations of the Community on the application of social security schemes to employed persons and their families moving within the Community apply."

15 (2) This section shall come into operation on the 1st day of July, 1974.

21 17.—(1) Section 20 of the Act of 1952, which provides for maternity allowance, is hereby amended by the insertion after subsection (5) of the following subsection :

Amendment of section 20 of Act of 1952 (maternity allowance).

20 " (6) For the purposes of this section, a Sunday shall not in any week be treated as a day of entitlement to a maternity allowance and, accordingly, the amount payable by way of such allowance for any other day of a week shall be one-sixth of the appropriate weekly rate."

25 (2) This section shall come into operation on the 1st day of July, 1974.

30 18.—(1) Section 22 of the Act of 1952, which provides for widow's (contributory) pension, is hereby amended by the substitution for subsection (1) of the following subsection :

Amendment of section 22 of Act of 1952 (widow's (contributory) pension).

35 " (1) Subject to the provision of this Act, a widow shall be entitled to a widow's (contributory) pension if the relevant contribution conditions are satisfied by her or by her husband's insurance or if her husband was entitled to an old age (contributory) pension or a retirement pension at an increased weekly rate by virtue of subsection (2) or (6) of section 26 of this Act in respect of a period ending on his death."

(2) This section shall come into operation on the 1st day of July, 1974.

40 19.—(1) Section 26 (4) (inserted by section 8 of the Social Welfare Act, 1972) of the Act of 1952 is hereby amended by the substitution of the following paragraph for paragraph (a) :

Amendment of section 26 of Act of 1952 (additional benefit for adult dependants).

45 " (a) The weekly rate of old age (contributory) pension and, in the case of a person who has attained pensionable age, of widow's (contributory) pension, retirement pension, invalidity pension or deserted wife's benefit shall be increased by the amount set out in column (6) of Part I of the Third Schedule to this Act for any period during which—

1972, No. 15.

- (i) the beneficiary is so incapacitated as to require full-time care and attention,
- (ii) there is residing with the beneficiary for the purpose of providing that care and attention a prescribed relative of the beneficiary, and

5

(iii) such conditions as may be prescribed are fulfilled.”.

(2) This section shall come into operation on the 1st day of July, 1974.

Deserted wife's benefit (modification of contribution conditions).

20.—(1) The Fourth Schedule of the Act of 1952 is hereby amended by the substitution of the following paragraph for paragraph 10 (inserted by section 17 (6) of the Act of 1973):

10

“ 10. Deserted Wife's Benefit.

The contribution conditions for deserted wife's benefit are—

(a) that not less than one hundred and fifty-six employment contributions have been paid in respect of the husband in respect of the period beginning with his entry into insurance and ending immediately before the relevant time, and

15

(b) that, if at the relevant time a period of four years or longer has elapsed since the husband's entry into insurance,—

20

(i) the average per contribution year of the contributions paid in respect of or credited to him for the three contribution years, or (if warranted by his insurance record) the five contribution years, ending with the end of the last complete contribution year before the relevant time is not less than thirty-nine, or

25

(ii) the average per contribution year of the contributions paid in respect of or credited to him in respect of the period commencing at the beginning of the contribution year in which his entry into insurance occurred and ending at the end of the last complete contribution year before the relevant time is not less than forty-eight,

30

35

but, if the foregoing conditions are not satisfied on the husband's insurance record, they may be satisfied on the woman's insurance record (the husband's insurance record being disregarded).

In this paragraph “ relevant time ” means—

40

(i) the date of the husband's attainment of pensionable age or the date before he attained that age on which the woman is determined to have been deserted by him, or

(ii) if the conditions are being satisfied on the woman's insurance record—

45

(I) the date on which the woman is determined to have been deserted by her husband, or

(II) if the woman attained pensionable age before the date on which she is determined to have been deserted by her husband, the date of her attainment of pensionable age.”.

50

(2) This section shall come into operation on the 1st day of July, 1974.

21.—(1) The Act of 1966 is hereby amended as follows :

Occupational
injuries benefits
(new rates).

- 5 (a) in section 8 (3) (a) " eight pounds and forty new pence " shall be substituted for " seven pounds and ten new pence " (inserted by the Act of 1973);
- (b) in section 8 (3) (b) " ten pounds and eighty new pence " shall be substituted for " nine pounds and ten new pence " (inserted by the Act of 1973);
- 10 (c) in section 9 (7) (a) " seven hundred and forty pounds " shall be substituted for " six hundred and thirty pounds " (inserted by the Act of 1973);
- (d) the Table annexed to this paragraph shall be substituted for Table I annexed to section 9 (8) (as amended) :—

TABLE I

| Degree of disablement | Weekly Rate |
|-----------------------|-------------|
| 100 per cent | £ 10.80 |
| 90 " " | 9.72 |
| 80 " " | 8.64 |
| 70 " " | 7.56 |
| 60 " " | 6.48 |
| 50 " " | 5.40 |
| 40 " " | 4.32 |
| 30 " " | 3.24 |
| 20 " " | 2.16 |

- 15 (e) the Table annexed to this paragraph shall be substituted for Table II annexed to section 9 (8) (as amended) :—

TABLE II

| Degree of disablement | Weekly Rate |
|-----------------------|-------------|
| 100 per cent | £ 8.40 |
| 90 " " | 7.56 |
| 80 " " | 6.72 |
| 70 " " | 5.88 |
| 60 " " | 5.04 |
| 50 " " | 4.20 |
| 40 " " | 3.36 |
| 30 " " | 2.52 |
| 20 " " | 1.68 |

- (f) in section 9 (9) (b) (ii) " £2.16 " shall be substituted for " £1.82 " and " £1.68 " for " £1.42 " (inserted by the Act of 1973);

- (g) in section 10 (1) "five pounds and five new pence" shall be substituted for "four pounds and twenty-five new pence" (inserted by the Act of 1973);
- (h) in section 11 (1) "two pounds and twenty new pence" shall be substituted for "one pound and eighty-five new pence" (inserted by the Act of 1973) and "one pound and eighty new pence" shall be substituted for "one pound and fifty new pence" (inserted by the Act of 1973); 5
- (i) in section 12 (1) (a) "six pounds and fifty-five new pence" shall be substituted for "five pounds and thirty-five new pence" (inserted by the Act of 1973); 10
- (j) in section 12 (1) (b) "seven pounds and seventy-five new pence" shall be substituted for "six pounds and fifty-five new pence" (inserted by the Act of 1973); 15
- (k) in section 13 (1) "£4.15" shall be substituted for "£3.50" (inserted by the Act of 1973) and "eight pounds and thirty new pence" shall be substituted for "seven pounds" (inserted by the Act of 1973);
- (l) in section 15 (1) (a) (i) "eight pounds and forty new pence" shall be substituted for "seven pounds and ten new pence" (inserted by the Act of 1973); 20
- (m) in section 15 (1) (a) (ii) "ten pounds and eighty new pence" shall be substituted for "nine pounds and ten new pence" (inserted by the Act of 1973); 25
- (n) in sections 17 (2) and 18 (2) "ten pounds and fifteen new pence" shall be substituted for "eight pounds and sixty new pence" (inserted by the Act of 1973);
- (o) in section 18 (3) "five hundred and twenty-eight pounds" shall be substituted for "four hundred and forty-seven pounds" (inserted by the Act of 1973); 30
- (p) in section 19 "two pounds and fifty-five new pence" shall be substituted for "two pounds and fifteen new pence" (inserted by the Act of 1973) in each place where it occurs; 35
- (q) in section 20 "four pounds and fifty new pence" shall be substituted for "three pounds and eighty new pence" (inserted by the Act of 1973) in each place where it occurs, and "ten pounds and fifteen new pence" shall be substituted for "eight pounds and sixty new pence" (inserted by the Act of 1973) in each place where it occurs; 40
- (r) in section 21 (2) "six pounds and five new pence" shall be substituted for "five pounds and ten new pence" (inserted by the Act of 1973);
- (s) in section 25 (3) (a) "one pound and sixty-eight new pence" shall be substituted for "one pound and forty-two new pence" (inserted by the Act of 1973); 45
- (t) in section 25 (3) (b) "two pounds and sixteen new pence" shall be substituted for "one pound and eighty-two new pence" (inserted by the Act of 1973); and
- (u) in section 39 the following subsection shall be substituted for subsection (1): 50

"(1) Notwithstanding section 2 of the Civil Liability (Amendment) Act, 1964, and section 34 of the Principal Act, in an action for damages for personal injuries (including any such action arising out of a contract), 55

5 there shall in assessing those damages be taken into
account, against any loss of earnings or profits which has
accrued or probably will accrue to the injured person
from the injuries, the value of any rights which have
accrued or probably will accrue to him therefrom in
respect of injury benefit (disregarding any right in
respect of injury benefit payable by virtue of section 10
of the Social Welfare (No. 2) Act, 1974, after the death of
the injured person) or disablement benefit (disregarding
any increase thereof under section 13 of this Act in
respect of constant attendance) for the five years begin-
ning with the time when the cause of action accrued.”

10 (2) This section shall come into operation on the 1st day of July,
1974.

15 22.—(1) Section 20 of the Act of 1960, which provides for certain
disqualifications for pension under the Old Age Pensions Acts, 1908
to 1974, is hereby amended by the substitution for subsection (3) of
the following subsection:—

Extension of
disqualifications
for pension under
Old Age Pensions
Acts, 1908 to 1974.

20 “(3) A person who has attained pensionable age and is in
receipt of a widow’s (contributory) pension or deserted wife’s
benefit shall be disqualified for receiving a pension under the
Old Age Pensions Acts, 1908 to 1974, in respect of any period
in respect of which she is in receipt of the widow’s (contributory)
pension or deserted wife’s benefit.”

25 (2) This section shall come into operation on the 1st day of July,
1974.

30 23.—(1) Section 13 of the Social Welfare (Miscellaneous Pro-
visions) Act, 1966 (which relates to the payment of pension under
the Old Age Pensions Acts, 1908 to 1974, in lieu of widow’s (con-
tributory) pension or old age (contributory) pension in certain cases)
is hereby amended by the substitution for subsection (1) of the
following subsection:—

Amendment of
section 13 of
Social Welfare
(Miscellaneous
Provisions) Act,
1966, consequential
on section 22.

35 “(1) Where a person who has attained pensionable age is in
receipt of or entitled to deserted wife’s benefit, a widow’s
(contributory) pension or old age (contributory) pension or is a
person in respect of whom an increase of the latter pension is
payable by virtue of section 26 (2) of the Act of 1952, and
would, but for section 20 of the Act of 1960, be qualified for
the receipt of a pension under the Acts—

1966, No. 24.

40 (a) the person may, notwithstanding anything contained
in the said section 20, be paid the pension under the
Acts for any period during which the rate of pension
payable under the Acts would be greater than the rate
of deserted wife’s benefit, widow’s (contributory) pen-
sion, old age (contributory) pension or the increase
thereof, as the case may be, payable, and

45 (b) in any case where the pension under the Acts is so
paid, entitlement to deserted wife’s benefit, widow’s
(contributory) pension, old age (contributory) pension
or the increase thereof, as the case may be, shall con-
tinue but the amount of any such benefit, pension or
increase payable during any such period—

50 (i) shall not be paid to or in respect of the person, and

55 (ii) shall be paid out of the Social Insurance Fund to
the Exchequer.”

(2) This section shall come into operation on the 1st day of July, 1974.

Amendment of section 3 of Social Welfare (Pay-Related Benefit) Act, 1973.

1973, No. 2.

24.—(1) For the purpose of ensuring that all recipients of injury benefit under the Act of 1966, who would otherwise be in receipt of disability benefit or maternity allowance can qualify for pay-related benefit, section 3 (1) (a) of the Social Welfare (Pay-Related Benefit) Act, 1973, is hereby amended by the deletion of “ section 8 of ”. 5

(2) For the purpose of ensuring that pay-related benefit may be paid for up to 147 days of incapacity for work, or 147 days of unemployment in any period of interruption of employment, section 3 of the Social Welfare (Pay-Related Benefit) Act, 1973, is hereby amended by the insertion after subsection (3) of the following subsection : 10

“ (4) In calculating for the purposes of subsection (2) of this section whether a person has had one hundred and fifty-nine days of incapacity for work or one hundred and fifty-nine days of unemployment in a period of interruption of employment, account shall not be taken of— 15

(i) any day of incapacity for work in that period in respect of which the person was not paid disability benefit, maternity allowance or injury benefit other than a day to which section 15 (2) of the Act of 1952 applied, or 20

(ii) any day of unemployment in that period in respect of which that person was not paid unemployment benefit, other than a day to which the said section 15 (2) applied.”. 25

(3) This section shall come into operation on the 1st day of July, 1974.

Further relaxation of waiting period for unemployment assistance.

1960, No. 28.

25.—(1) Section 11 of the Social Welfare (Miscellaneous Provisions) Act, 1960, which removes in certain cases the waiting period for unemployment assistance provided for by section 19 (as amended by section 96 of the Act of 1952) of the Act of 1933, is hereby amended by the substitution for “ on the last week-day before ” of “ not earlier than twenty weeks before ”. 30 35

(2) This section shall come into operation on the 1st day of July, 1974.

Short title, construction and collective citation.

26.—(1) This Act may be cited as the Social Welfare (No. 2) Act, 1974.

(2) This Act— 40

(a) in so far as it amends and extends the Old Age Pensions Acts, 1908 to 1974, shall be construed as one with those Acts and shall be included in the collective citation, the Old Age Pensions Acts, 1908 to 1974.

(b) in so far as it amends and extends the Unemployment Assistance Acts, 1933 to 1974, shall be construed as one with those Acts and shall be included in the collective citation, the Unemployment Assistance Acts, 1933 to 1974, 45

(c) in so far as it amends and extends the Widows' and Orphans' Pensions Acts, 1935 to 1974, shall be construed as one with those Acts and shall be included in the collective citation, the Widows' and Orphans' Pensions Acts, 1935 to 1974,

5

(d) in so far as it amends and extends the Social Welfare (Children's Allowances) Acts, 1944 to 1974, shall be construed as one with those Acts and shall be included in the collective citation, the Social Welfare (Children's Allowances) Acts, 1944 to 1974,

10

(e) in so far as it amends and extends the Social Welfare Acts, 1952 to 1974, shall be construed as one with those Acts and shall be included in the collective citation, the Social Welfare Acts, 1952 to 1974.

AN BILL
1974
to amend and extend the Old Age Pensions Act, 1935, the Widows' and Orphans' Pensions Acts, 1935 to 1974, the Social Welfare (Children's Allowances) Act, 1944, and the Social Welfare Act, 1952 to 1974.

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

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

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*Passed by both Houses of the Oireachtas
26th June, 1974*

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