



AN BILLE LEASA SHÓISIALAIGH, 1993
SOCIAL WELFARE BILL, 1993

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As initiated

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Higher Education Authority Act, 1971	1971, No. 22
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Social Welfare (Consolidation) Act, 1981	1981, No. 1
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Social Welfare (No. 2) Act, 1987	1987, No. 29
Social Welfare Act, 1988	1988, No. 7
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Statutory Declarations Act, 1938	1938, No. 37
Youth Employment Agency Act, 1981	1981, No. 32



AN BILLE LEASA SHÓISIALAIGH, 1993
SOCIAL WELFARE BILL, 1993

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE
ACTS, 1981 TO 1992, TO AMEND AND EXTEND THE
PENSIONS ACT, 1990, AND TO PROVIDE FOR CON-
NECTED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

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PART I

PRELIMINARY

1.—(1) This Act may be cited as the Social Welfare Act, 1993.

Short title,
construction and
collective citation.

(2) This Act, other than *Part VII*, shall be construed together as
one with the Social Welfare Acts and may be cited together with
15 those Acts.

2.—(1) In this Act—

Interpretation.

“the Principal Act” means the Social Welfare (Consolidation) Act,
1981;

“the Act of 1984” means the Social Welfare Act, 1984;

20 “the Act of 1986” means the Social Welfare Act, 1986;

“the No. 2 Act of 1987” means the Social Welfare (No. 2) Act, 1987;

“the Act of 1988” means the Social Welfare Act, 1988;

“the Act of 1989” means the Social Welfare Act, 1989;

“the Act of 1990” means the Social Welfare Act, 1990;

25 “the Act of 1991” means the Social Welfare Act, 1991;

“the Act of 1992” means the Social Welfare Act, 1992;

“the Pensions Act” means the Pensions Act, 1990.

(2) References in this Act or in any other enactment to the “Social

Welfare Acts” means the Principal Act and every enactment which is to be construed with it as one.

PART II

INCREASES

Social insurance benefits (new rates). 3.—(1) The Principal Act is hereby amended by the substitution 5
for Parts I to IV (inserted by section 3 of the Act of 1992) of the
Second Schedule thereto of the Parts set out in *Schedule A* to this
Act.

(2) This section shall come into operation—

(a) in so far as it relates to unemployment benefit, on the 22nd 10
day of July, 1993,

(b) in so far as it relates to disability benefit, injury benefit,
disablement gratuity and disablement pension, on the 26th
day of July, 1993,

(c) in so far as it relates to deserted wife’s benefit, invalidity 15
pension and retirement pension, on the 29th day of July,
1993, and

(d) in so far as it relates to death benefit under section 50, 51 or
52 of the Principal Act, old age (contributory) pension,
survivor’s benefit, widow’s (contributory) pension and 20
orphan’s (contributory) allowance, on the 30th day of
July, 1993.

Social assistance payments (new rates). 4.—(1) The Principal Act is hereby amended by the substitution
for Parts I and III (inserted by section 4 of the Act of 1992) of the
Fourth Schedule thereto of the Parts set out in *Schedule B* to this 25
Act.

(2) This section shall come into operation—

(a) in so far as it relates to unemployment assistance, on the 21st
day of July, 1993,

(b) in so far as it relates to supplementary welfare allowance, on 30
the 26th day of July, 1993,

(c) in so far as it relates to pre-retirement allowance, deserted
wife’s allowance, prisoner’s wife’s allowance, lone par-
ent’s allowance (other than lone parent’s allowance pay-
able in respect of a widow or widower) and carer’s 35
allowance, on the 29th day of July, 1993, and

(d) in so far as it relates to old age pension, blind pension,
widow’s (non-contributory) pension, lone parent’s allow-
ance payable in respect of a widow or widower and
orphan’s (non-contributory) pension, on the 30th day of 40
July, 1993.

Child benefit. 5.—(1) The Fourth Schedule to the Principal Act is hereby amen-
ded by the substitution for Part IV (inserted by section 5 of the Act
of 1991) of the following Part:

"PART IV

AMOUNTS OF CHILD BENEFIT

Amount for each of first three children (1)	Amount for each child in excess of three (2)
£20.00	£23.00

(2) *Subsection (1)* of this section shall come into operation on the 1st day of September, 1993.

(3) Section 225 of the Principal Act is hereby amended by the substitution for subsection (3) (as amended by section 17 of the Act of 1986) of the following subsections:

"(3) Subject to this Act, a person who is qualified for child benefit shall be paid a grant in accordance with subsection (3A) in respect of two or more qualified children where the birth of each child was part of the same multiple birth.

(3A) The amount of the grant payable in accordance with subsection (3) shall be £200 if the qualified children are two in number, £300 where they are three in number and £400 if they exceed three in number."

(4) *Subsection (3)* of this section shall apply in the case of any multiple birth occurring on or after the 1st day of July, 1993.

6.—(1) Section 73 of the Principal Act is hereby amended by the substitution of "£80" for "£78" (inserted by section 9 of the Act of 1992). Pay-related benefit.

(2) This section shall have effect in relation to any period of interruption of employment commencing on or after the 6th day of April, 1993.

7.—(1) The Principal Act is hereby amended by the substitution for section 232B (inserted by section 6 of the Act of 1992) of the following section: Family income supplement (new weekly rates).

"Entitlement to family income supplement.

232B.—Subject to this Act, an allowance (in this Part referred to as 'family income supplement') shall be payable out of moneys provided by the Oireachtas in respect of a family where the weekly family income is less than—

(a) in the case of a family which includes only one child, £175, or

(b) in the case of a family which includes two children, £195, or

(c) in the case of a family which includes three children, £215, or

(d) in the case of a family which includes four children, £235, or

(e) in the case of a family which includes five children, £260, or

(f) in the case of a family which includes six children, £280, or

(g) in the case of a family which includes seven children, £297, or

(h) in the case of a family which includes 5 eight or more children, £314.”.

(2) This section shall come into operation on the 29th day of July, 1993.

PART III

AMENDMENTS TO EXISTING SCHEMES

10

Maternity allowance.

8.—(1) Section 24 (inserted by section 19 of the Act of 1992) of the Principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) Regulations may provide for entitling to maternity allowance, subject to such conditions and in such circumstances 15 as may be prescribed, such class or classes of women who would be entitled thereto but for the fact that the conditions set out in subsections (1) (b) and (1) (c) are not satisfied.”.

(2) Section 26 (inserted by section 19 of the Act of 1992) of the Principal Act is hereby amended by the substitution for subsection 20 (3) of the following subsection:

“(3) In this section ‘reckonable weekly earnings’ means the average amount, calculated in accordance with regulations, of reckonable earnings and such other income as may be prescribed, received in a week up to such limit as may be prescribed.”. 25

(3) *Subsection (2)* of this section shall come into operation on such day as the Minister may appoint by order.

Invalidity pension — conditions for receipt.

9.—Section 89 (as amended by section 9 of the No. 2 Act of 1987) of the Principal Act is hereby amended by the substitution for subsection (2) of the following subsections: 30

“(2) In this section ‘relevant date’ means—

(a) any date subsequent to the completion of one year of continuous incapacity for work, or

(b) such lesser period as may be prescribed, subject to such conditions and in such circumstances as may be 35 prescribed,

where the insured person has entered into a continuous period of incapacity for work and he is subsequently proved to be permanently incapable of work.

(2A) Regulations for the purposes of *subsection (2)* of this section shall be subject to the sanction of the Minister for Finance.”. 40

10.—Section 125 (2) (as amended by section 9 of the Act of 1991) of the Principal Act is hereby amended by the insertion after paragraph (e) of the following paragraph: Payments after death.

5 “(f) subject to paragraph (a), where a person is in receipt of a carer’s allowance and the relevant pensioner in respect of whom that carer is providing full-time care and attention, dies, and the carer is the spouse of that pensioner, any benefit payable under paragraph (a) shall include an increase in respect of an adult dependant provided that the person in receipt of the carer’s allowance would otherwise have qualified as an adult dependant but for the fact that he was in receipt of the said allowance.”.

11.—Section 2 (as amended by section 15 of the Act of 1992) of the Principal Act is hereby amended by the insertion after subsection (1) of the following subsection: Extension of definition of adult dependant.

20 “(1A) For the purposes of determining the entitlement of a person to an increase in respect of an adult dependant, references to a spouse in the definition of ‘adult dependant’ contained in subsection (1) and regulations made thereunder shall be construed as meaning each person of a married couple who are living together, or a man and woman who are not married to each other but are cohabiting as husband and wife.”.

12.—(1) Section 22 (1) (inserted by section 55 of the Act of 1991) of the Principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph: Periods of interruption of employment to be taken into account in determining entitlement to benefit.

30 “(b) before that day has been entitled, in respect of any period of interruption of employment (whether including that day or not) during the period beginning on the date one year immediately prior to that day, to disability benefit for 312 days,”.

(2) This section shall apply to any claim for disability benefit which is made on or after the 5th day of April, 1993.

13.—(1) Section 146 (1) (inserted by section 27 of the Act of 1992) of the Principal Act is hereby amended by— Unemployment assistance — calculation of means.

(a) the substitution for subparagraph (ii) of paragraph (b) of the following subparagraph:

40 “(ii) any moneys received by way of benefit, pension, assistance, allowance or supplement under Part II, III, IV or IVA,”.

(b) the insertion after subparagraph (xii) of the following subparagraph:

45 “(xiii) such amount as may be prescribed of all moneys earned by him in respect of current personal employment under a contract of service;”, and

(c) the deletion of paragraph (f).

(2) Regulations for the purposes of *subsection (1)* of this section shall be subject to the sanction of the Minister for Finance.

Unemployment
assistance —
disqualifications.

14.—(1) The Principal Act is hereby amended by the insertion after section 140 (inserted by section 27 of the Act of 1992) of the following section:

“Disqualifications.

140A.—(1) A person shall not be entitled to receive unemployment assistance while attending a course of study, other than in such circumstances and subject to such conditions and for such periods as may be prescribed.

(2) In this section—

‘academic year’ means a period in which a course of study commences in one year and finishes in the next following year and includes terms of vacations;

‘a course of study’ means, subject to subsection (3), a full-time day course of study, instruction or training at an institution of education;

‘institution of education’ means—

- (a) a school,
- (b) a university,
- (c) a college of a university,
- (d) any institution which the Minister for Education has designated in regulations made pursuant to section 1 of the Higher Education Authority Act, 1971, as an institution of higher education for the purposes of that Act,
- (e) any institution to which the National Council for Education Awards Act, 1979, applies,
- (f) any institution established under the Regional Technical Colleges Act, 1992,
- (g) any institution incorporated under the Dublin Institute of Technology Act, 1992,
- (h) any institution which is not an institution for the purposes of paragraphs (a) to (g) and to which the Local Authorities (Higher Education Grants) Acts, 1968 to 1992 apply, or
- (i) such other institution as may be prescribed.

(3) For the purposes of this section, a person shall be regarded, subject to regulations made

under subsection (1), as attending a course of study—

5 (a) for the period of three months immediately following the completion or the leaving by that person of second level education or the completion of the Leaving Certificate Examination of the Department of Education, (whichever is the later),

10 (b) for the duration of an academic year, or

15 (c) for the period immediately following the completion of one academic year, other than the final academic year of a course of study, up to the commencement of the following academic year.”.

(2) Section 2 (1) (as amended by sections 15 and 27 of the Act of 1992) of the Principal Act is hereby amended by the insertion in paragraph (a) of the definition of “qualified child” after “is under the age of 18 years” of “or is of or over the age of 18 years and is regarded as attending a course of study within the meaning of section 140A (3) (a).”.

(3) Section 201 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

25 “(1) A person shall not be entitled to receive supplementary welfare allowance while attending a course of study within the meaning of section 140A.”.

15.—(1) Section 138 (inserted by section 27 of the Act of 1992) of the Principal Act is hereby amended by the insertion after subsection 30 (6) of the following subsection: Pre-retirement allowance — couples.

“(7) For the purposes of this section, a reference to ‘unemployment assistance’ shall be construed as including a reference to pre-retirement allowance.”.

35 (2) Section 156B (as amended by section 40 of the Act of 1990) of the Principal Act is hereby amended by the substitution in subsection (1) for “Subject to subsection (2)” of “Subject to this section and section 138”.

PART IV

SOCIAL INSURANCE CONTRIBUTIONS

40 16.—(1) Section 10 (1) of the Principal Act is hereby amended by— Pay-related social insurance contributions (increase in earnings ceilings).

(a) the substitution in paragraph (c) (inserted by section 7 of the Act of 1992) of “£21,300” for “£20,300”, and

45 (b) the substitution in paragraph (cc) (inserted by section 7 of the Act of 1992) of “£20,000” for “£19,000”.

(2) This section shall come into operation on the 6th day of April, 1993.

Self-employment
contributions
(increase in
earnings ceiling
and minimum
contributions).

17.—(1) Section 17C of the Principal Act is hereby amended by—

- (a) the substitution in paragraphs (a), (c) and (i) (inserted by section 13 of the Act of 1991) of “£250” for “£234”, 5
- (b) the substitution in paragraph (b) (inserted by section 13 of the Act of 1991) of “£124” for “£116”, and
- (c) the substitution in paragraph (d) (inserted by section 8 of the Act of 1992) of “£20,000” for “£19,000”.

(2) This section shall come into operation on the 6th day of April, 1993. 10

Exemption from
payment of
contributions, etc.

18.—The Principal Act is hereby amended by the insertion after section 10 (as amended by section 7 of the Act of 1992) of the following section:

“10A.—An employer who, during the period commencing on the 19th day of October, 1992, and ending on the 19th day of September, 1993, employed additional employees under and by virtue of the scheme administered by the Department of Social Welfare known as the Employers’ Pay-Related Social Insurance Exemption Scheme, shall not, during the period commencing on the 6th day of April, 1993, and ending on the 5th day of April, 1995, be liable to pay in respect of additional employees who constitute a net increase in the employer’s workforce under the scheme above that applying on the 9th day of September, 1992, all or any of the following, namely— 15 20 25

- (a) the contribution specified in section 10 (1) (b) (ii) of this Act;
- (b) the health contribution payable by an employer under section 5 (1) (b) of the Health Contributions Act, 1979; 30
- (c) the employment and training levy payable by an employer under section 16 (c) of the Youth Employment Agency Act, 1981 (as extended by section 25 of the Labour Services Act, 1987).”.

Regulations for
contributions.

19.—Section 15 (2) of the Principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph: 35

“(a) the assignment of any function relating to any matter referred to in that subsection to the Collector-General or to such other person engaged under contract by the Minister, with the consent of the Minister for Finance, for this purpose,”. 40

Old age
(contributory)
pension, widow’s
(contributory)
pension — self-
employment
contributions.

20.—(1) The Principal Act is hereby amended by—

- (a) the insertion after section 79 (as amended by section 10 of the Act of 1992) of the following section:

5 “79A.—(1) A person, having been a self-employed contributor, shall not be regarded as having satisfied the contribution conditions contained in section 79 unless all self-employment contributions payable by him in accordance with section 17C have been paid.

(2) Notwithstanding subsection (1), the Minister may, if he is satisfied that in all the circumstances of the case it would be appropriate to do so, direct that subsection (1) shall not be applied in that case.”.

10 (b) the insertion after section 93A (inserted by section 14 of the Act of 1988) of the following section:

15 “93B.—(1) Where the insurance record of a person, who, having been a self-employed contributor, is being used to establish entitlement to widow’s (contributory) pension, the contribution conditions contained in section 93 shall not be regarded as having been satisfied unless all self-employment contributions payable by him in accordance with section 17C have been paid.

20 (2) Notwithstanding subsection (1), the Minister may, if he is satisfied that in all the circumstances of the case it would be appropriate to do so, direct that subsection (1) shall not be applied in that case.”.

(2) This section shall apply to any claim for pension under Chapter 7 or Chapter 11 of Part II of the Principal Act, made on or after the 25 6th day of April, 1993.

21.—Part IIA (as amended by section 37 of the Act of 1990) of the First Schedule to the Principal Act is hereby amended by the substitution for paragraph 2 of the following paragraph:

Exemption of recipients of pre-retirement allowance from social insurance.

“2. A self-employed contributor who—

30 (a) by virtue of the provisions of Chapter 2 of Part III is in receipt of unemployment assistance, or

(b) by virtue of the provisions of Chapter 2A of Part III is in receipt of pre-retirement allowance.”.

PART V

35 MISCELLANEOUS

22.—(1) The Principal Act is hereby amended by the insertion after section 300B (inserted by section 31 of this Act) of the following section:

Disqualifications — fraudulent claims.

40 “300BB.— In the case of a person whose claim for benefit, assistance or family income supplement is disallowed or reduced in accordance with section 300B (a), a deciding officer may, having regard to the circumstances of the case, disqualify that person for receiving any benefit, assistance or family income supplement, as the case may be, for a period of up to 9 weeks and the period of disqualification shall commence—

(a) where any such benefit, assistance or family income supplement is so reduced, on the day on which the revised decision is given, or

(b) in any other case, on the day on which that person subsequently becomes entitled to any benefit, assistance or family income supplement, as the case may be,

and any such period of disqualification shall be treated as though it were a period in respect of which such benefit, assistance or family income supplement, as the case may be, was paid.”. 5

(2) The Principal Act is hereby amended by the insertion after section 203 (as amended by section 13 of the No. 2 Act of 1987) of the following section: 10

“203A.—In any case where a person is disqualified for receiving any benefit, assistance or family income supplement in accordance with section 300BB or section 294H (3), his needs for the period of disqualification shall be disregarded for the purpose of ascertaining his entitlement to supplementary welfare allowance except in so far as such needs include the need to provide for his adult or child dependants.”. 15

(3) This section shall come into operation on such day as the Minister may appoint by order.

Personal social services number.

23.—(1) The Minister may allocate and issue a personal social services number to a person in such manner as he deems fit. 20

(2) A claimant or beneficiary under the Social Welfare Acts shall be required to furnish to an officer of the Minister such information, as may be prescribed, which is necessary for the allocation and issue of a personal social services number under *subsection (1)*. 25

(3) For the purposes of the Social Welfare Acts, including the making of a claim for benefit as defined in section 294A (inserted by *section 27* of this Act) or the payment of any such benefit, a person shall furnish to an officer of the Minister, his personal social services number and that of his spouse, if any, and any child dependant. 30

(4) In this section, a reference to a “personal social services number” shall be construed as including a reference to a number known as a revenue and social insurance number.

Amendment of Third Schedule to Principal Act (rules as to calculation of means).

24.—Paragraph (4) (as amended by section 56 of the Act of 1991) of Rule 1 of the Third Schedule to the Principal Act is hereby amended by the substitution for “the net cash value of any non-cash earnings derived from personal exertions and also including such other non-cash benefits and such income received by a qualified child or qualified children as may be prescribed” of “the net cash value of such non-cash benefits as may be prescribed, and such income received by a qualified child or qualified children as may be prescribed”. 35 40

Unemployment benefit and unemployment assistance — conditions of entitlement.

25.—(1) Section 29 (4) (a) (inserted by section 28 of the Act of 1989) of the Principal Act is hereby amended by the substitution for subparagraph (iii) of the following subparagraph:

“(iii) he is genuinely seeking, but is unable to obtain, employment suitable for him having regard to his age, physique, education, normal occupation, place of residence and family circumstances,”. 45

(2) Section 136 (1) (inserted by section 27 of the Act of 1992) of the Principal Act is hereby amended by the substitution for paragraph (f) of the following paragraph:

5 “(f) he is genuinely seeking, but is unable to obtain, employment suitable for him having regard to his age, physique, education, normal occupation, place of residence and family circumstances, and”.

26.—(1) Section 38 (as amended by section 29 of the Act of 1988) of the Principal Act is hereby amended by the substitution for
10 subsection (11) of the following subsection: Insurable
(occupational
injuries)
employment.

“ (11) A person who is unemployed shall, while in attendance at such course as may be prescribed and provided by such person as may be prescribed, be deemed, for the purposes of this Part, to be in insurable (occupational injuries) employment and to be
15 employed by the person by whom the course is being provided.”.

(2) This section shall come into operation on such day as the Minister may appoint by order.

PART VI

20 PRE-CONSOLIDATION AMENDMENTS TO ALIGN AND CONSOLIDATE VARIOUS PROVISIONS OF THE SOCIAL WELFARE CODE

27.—(1) The Principal Act is hereby amended by the insertion after section 294 (as amended by section 21 of the Act of 1988) of the following Part:

Alignment and consolidation of provisions relating to claims and payments, powers and duties of social welfare inspectors and offences.

“PART VIIA

25 ADMINISTRATION

Preliminary

Definitions.

294A.—In this Part—

‘benefit’ means—

- 30 (a) any benefit described in section 17,
(b) any assistance described in section 134 (1),
(c) child benefit,
(d) family income supplement.

CHAPTER 1

Claims and Payments

35 Claims.

294B.—(1) It shall be a condition of any person’s right to any benefit that he makes a claim therefor in the prescribed manner.

40 (2) Regulations may provide for disqualifying a person for the receipt of any benefit if he fails to make his claim for such benefit within the prescribed time, but any such regulations may provide for extending, subject to such conditions as may be prescribed, the time within which a claim may be made.

(3) Regulations may provide for provisionally allowing a claim for benefit before the date on which the claimant will actually become entitled to such benefit, in such manner and subject to such conditions as may be prescribed. 5

(4) For the purposes of this Act, any claim or notice made or sent by post or by any other method shall be deemed to have been made or given on the date of receipt of such claim or notice by an officer of the Minister. 10

Payments.

294C.—(1) Regulations may provide for—

- (a) the time and manner of payment of benefit,
- (b) the information and evidence to be furnished by a claimant or beneficiary 15 when applying for payment of benefit, and
- (c) in consultation with An Post, the payment of specified benefits through An Post.

(2) Regulations made under this section as to 20 the time of payment of benefit may provide—

- (a) notwithstanding anything contained in this Act—
 - (i) in the case of specified benefits (other than child benefit), for 25 adjusting the commencement and termination of such benefit, or for changes in the rate of such benefit, so that payments shall not be made in respect of periods less 30 than a week or at different rates for different parts of a week,
 - (ii) in the case of child benefit, for adjusting the commencement and termination of such benefit, or for 35 changes in the rate of such benefit, so that payments shall not be made at different rates for different parts of a month,
- (b) for extinguishing the right to any sum 40 payable by way of benefit where payment thereof is not obtained within 6 months or such shorter period as may be prescribed from the time at which that sum is receivable in accordance 45 with regulations.

Payment to persons other than claimant or beneficiary.

294D.—(1) Regulations may provide—

- (a) for enabling a person to whom benefit is payable to nominate another person to receive that benefit on his behalf, 50
- (b) for enabling a person to be appointed to

5 exercise, on behalf of a claimant or
beneficiary who is under 16 years of
age or who may be or become unable
for the time being to act, any right or
power which the claimant or ben-
eficiary may be entitled to exercise
under this Act and for authorising a
person so appointed to receive and
10 deal with any sum payable by way of
benefit on behalf of the claimant or
beneficiary,

15 (c) where it appears to the Minister that the
circumstances so warrant, for enabling
a person to be appointed to receive
and deal with on behalf of a claimant
or beneficiary—

20 (i) in respect of disability benefit,
unemployment benefit, injury
benefit, old age (contributory)
pension, retirement pension,
invalidity pension, unemploy-
ment assistance, pre-retirement
allowance, old age pension or
blind pension, so much of the ben-
25 efit, pension, assistance or allow-
ance, as the Minister considers
reasonable in the circumstances:

30 Provided that in no case shall
the amount to be dealt with in
this manner exceed the total
amount payable less the
amount payable by virtue of
section 21 (1), 32 (1), 44 (1), 81
35 (1), 86 (1), 91 (1), 137 (1) (b)
(i), 156B (1) (a) or 162 (1) (d),
as appropriate,

40 (ii) in respect of widow's (con-
tributory) pension or deserted
wife's benefit, so much of the pen-
sion or benefit as is payable by
virtue of section 95 (1) or 103 (1),
as appropriate, or in respect of
lone parent's allowance, so much
of the allowance as is payable in
45 respect of a qualified child by
virtue of section 198C (1),

50 (iii) in respect of disablement pension,
child benefit or family income
supplement, so much of the pen-
sion, benefit or supplement as the
Minister considers reasonable in
the circumstances,

55 (d) in connection with the death of any
person, for enabling a claim for benefit
to be made or proceeded with in his
name, subject to such conditions as
may be prescribed.

(2) Regulations may also provide that probate or other proof of title of the personal representative of any deceased person may be dispensed with in the case of payment of any sum representing benefit, and that in any such case the sum may be paid or distributed to or among the persons appearing in the manner provided by the regulations to be entitled to receive the said sum or any part thereof, either as being persons beneficially entitled thereto under any testamentary instrument or as next of kin, or as being creditors of the deceased person, or to or among any one or more of such persons exclusive of the others.

Statutory
declarations.

294E.—Regulations prescribing a form of application for any purpose may require that all or any of the statements made by the claimant in such form be verified by a statutory declaration and that such statutory declaration may be taken and received by a deciding officer or by any other officer of the Minister or such other person authorised by the Minister in that behalf.

Social welfare
inspectors.

294F.—(1) The Minister may appoint from his officers such and so many persons as he thinks proper to be social welfare inspectors for the purposes of such provisions of Parts II, III, IV, IVA, X and this Part as he may determine in the case of such appointments.

(2) Every social welfare inspector shall investigate into and report to the Minister upon any claim for or in respect of benefit and any question arising on or in relation to such benefit which may be referred to him by the Minister, and may, for the purpose of such investigation and report require—

- (a) a claimant or a beneficiary,
- (b) the spouse or any employer of the claimant or beneficiary,
- (c) in the case of child benefit, any person in charge of a child in respect of whom the claim is made,
- (d) a person liable to contribute under section 316 (1) or any employer of any such person, and
- (e) the personal representative of a person who was at any time in receipt of any benefit,

to furnish him with such information and to produce to him such documents, within such period as may be prescribed, as he may reasonably require.

(3) A social welfare inspector shall, for the purposes of Parts II, III, IV, IVA, X and this Part, have power to do all or any of the following—

- (a) to enter, without prior notification, at all reasonable times any premises or place liable to inspection under this section,
- 5 (b) to make such examination and enquiry as may be necessary for ascertaining whether the provisions of Part II, III, IV, IVA, X or this Part are being or have been complied with in any such premises or place,
- 10 (c) to examine either alone or in the presence of any other person, as he thinks fit, in relation to any matters on which he may reasonably require information for the purposes of Part II, III, IV, IVA, X or this Part, every person whom he finds in any such premises or place, or who he has reasonable cause to believe to be or to have been an insured person, and to require every
- 15 such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined,
- 20 (d) to exercise such other powers as may be necessary for carrying Parts II, III, IV, IVA, X and this Part into effect.
- 25

(4) The occupier of any premises or place liable to inspection under this section, and any other person who is or has been employing—

- 30 (a) any person in insurable employment or insurable (occupational injuries) employment, or
- (b) any claimant or beneficiary,

35 and the servants and agents of any such occupier or other person, and any insured person, claimant or beneficiary or person in respect of whom such a benefit is claimed, shall furnish to a social welfare inspector all such information and produce for

40 inspection all such registers, cards, wages sheets, records of wages and other documents as the social welfare inspector may reasonably require for the purposes of ascertaining whether contributions are or have been payable, or have been duly paid in respect of any person, or whether benefit is or was payable to or in respect of any person.

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(5) Any person who holds a certificate of authorisation under section 17 (as amended by section 28 of the Finance Act, 1992) of the Finance Act, 1970, shall, upon the request of a social welfare inspector, furnish such certificate for inspection by him.

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(6) If any person—

- (a) wilfully delays or obstructs a social welfare inspector in the exercise of any duty or power under this section, or
- (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this section, or 5
- (c) conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by a social welfare inspector or any other person appointed under this section, 10

he shall be guilty of an offence.

(7) Notwithstanding the preceding provisions of this section, a person shall not be required under this section to give any evidence or answer any question tending to incriminate himself. 15

(8) Every social welfare inspector shall be furnished with a certificate of his appointment, and on entering any premises or place for the purposes of Parts II, III, IV, IVA, X and this Part shall, if so requested, produce the said certificate. 20

(9) The premises or places liable to inspection under this section are any premises or places where a social welfare inspector has reasonable grounds for believing that— 25

- (a) persons are, or have been, employed, or
- (b) there are, or have been, self-employed persons, 30

and any premises or place where a social welfare inspector has reasonable grounds for believing that any documents relating to persons in employment or to self-employed persons are kept.

(10) Where any premises or place is liable to be inspected by an inspector or by an officer appointed, employed by, or under the control of, another Minister of the Government, the Minister may make arrangements with that other Minister for any of the powers or duties of a social welfare inspector appointed under this section to be vested in the inspector or officer employed by that other Minister and, where such an arrangement is made, such inspector or officer shall have all the powers of a social welfare inspector appointed under this section for the purposes of the inspection. 35 40 45

(11) Where a person is required by subsection (4) to produce records required pursuant to regulations made under section 15 (5), he shall, upon the request of a social welfare inspector, produce 50

such records at his registered address or his principal place of business.

(12) A person who fails to comply with a request to produce records under subsection (11) within 21 days following the issue of such request in writing sent by registered post to him at his registered address or his principal place of business shall be guilty of an offence.

(13) Records of persons employed which an employer is obliged to maintain under regulations made under section 15 (5) which are produced to a social welfare inspector shall be *prima facie* evidence that those persons were employed by that employer and of the earnings of such persons and of the periods during which such persons were employed by him.

Employers to keep copies of statements issued under Minimum Notice and Terms of Employment Act, 1973.

294G.—Where an employer issues to an employee a statement containing the particulars specified in section 9 of the Minimum Notice and Terms of Employment Act, 1973, he shall retain a copy of such statement for a period of two years from the date on which that statement was issued and shall furnish such copy on demand to a social welfare inspector for inspection under section 294F.

False statements and offences, including offences relating to bodies corporate.

294H.—(1) If, for the purpose of—

(a) obtaining or establishing entitlement to payment of any benefit for himself or for any other person, or

(b) obtaining or establishing entitlement to payment of any benefit for himself or for any other person which is in excess of that which he was entitled to, or

(c) avoiding the making by himself or any other person of any repayment under this Act,

or for any other purpose connected with this Act, any person—

(i) knowingly makes any statement or representation (whether written or verbal) which is to his knowledge false or misleading in any material respect, or knowingly conceals any material fact, or

(ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be guilty of an offence.

(2) An employer or any servant or agent of an

employer who aids, abets, counsels or procures an employee in the employment of that employer to commit any offence under subsection (1) shall be guilty of an offence.

(3) In the case of a person convicted of an offence under this section the period of disqualification applied in accordance with the provisions of section 300BB shall be extended to 3 months and the provisions of that section shall be construed and have effect accordingly.

(4) A person convicted of an offence under this section in relation to child benefit shall be disqualified for the receipt of child benefit for the period of 3 months immediately following the date of the conviction.

(5) Where a person is convicted of an offence under subsection (1) or (2) and by reason of that offence any benefit (other than child benefit) was received by an employee of his which he was not entitled to receive, such person shall be liable to pay to the Minister on demand a sum not exceeding the amount of such benefit which by reason of the said offence was paid to that employee while in his employment and that sum, if not so repaid, may be recovered by the Minister as a debt under statute in any court of competent jurisdiction.

(6) Notwithstanding the provisions of subsection (5) or any other provisions of this Act under which amounts of benefit (other than child benefit) may be recovered, the amount recovered by the Minister in any case may not exceed the amount of benefit received by the employee which he was not entitled to receive.

(7) Regulations under this Act may provide for offences consisting of contraventions of or failures to comply with such regulations and, where such offences are provided for, a person guilty of any such offence shall be liable on summary conviction to the penalties provided for in section 294L (1) (a).

(8) Where an offence under this Act is committed by a body corporate and, in the case of an offence under subsection (1), where the offence is committed by an employee or officer of the body corporate, and is proved to have been so committed with the consent, connivance or approval of or to have been attributable to any wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he were guilty of the first-mentioned offence.

(9) It shall be a good defence to a prosecution

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for an offence under subsection (8) for a person to show that the offence was committed without his knowledge and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his position as director, manager, secretary or other officer and to all the circumstances.

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(10) Any summons or other document required to be served for the purpose of proceedings under this Act on a body corporate may be served—

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(a) by leaving it at or sending it by post to the registered office of the body corporate,

(b) by leaving it at or sending it by post to any place in the State at which the body corporate conducts business, or

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(c) by sending it by post to any person who is a director, manager, secretary or other officer of the body corporate or is purporting to act in any such capacity at the place where that person resides.

Offences in
relation to
employment
contributions.

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294I.—(1) If an employer—

(a) fails to pay at or within a prescribed time any employment contribution which he is liable under Part II to pay,

(b) deducts or attempts to deduct the whole or any part of any employer's contribution in respect of a person from that person's remuneration, or

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(c) makes a deduction from the remuneration of a person in respect of any employment contribution which the employer is liable under Part II to pay and fails to pay at or within a prescribed time the employment contribution in respect of which the deduction was made,

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the employer shall be guilty of an offence.

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(2) An employer, or a servant or agent acting on behalf of such employer, who, for the purpose of evading or reducing the amount of his liability in respect of employment contributions which he is liable to pay under Part II and which he has not paid—

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(a) knowingly makes any statement or representation (whether written or verbal) which is to his knowledge false or misleading in any material respect, or knowingly conceals any material fact, or

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- (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular, 5

shall be guilty of an offence.

(3) A person who is guilty of an offence under this section shall be liable—

- (a) on summary conviction, to the penalties provided in section 294L (1) (a), 10

- (b) on conviction on indictment, to a fine not exceeding £10,000 or such amount as is equivalent to twice the amount so unpaid or deducted, whichever is the greater, or to imprisonment for a term 15 not exceeding 3 years, or to both.

- (4) (a) Where an employer has been convicted under this section of the offence of failing to pay any employment contributions which he is liable under Part 20 II to pay, he shall be liable to pay to the Social Insurance Fund a sum equal to the amount which he has failed to pay and, on such conviction, if notice of the intention to do so has been 25 served with the summons or warrant, evidence may be given of the failure on the part of the employer to pay other employment contributions in respect of the same person during the 30 three years preceding the date when the notice was so served, and on proof of such failure the court may order the employer to pay to the Social Insurance Fund a sum equal to the 35 total of all the employment contributions which he is so proved to have failed to pay, and the employer's right of appeal against the conviction under the section shall include a right 40 to appeal against such an order.

- (b) Any sum paid by an employer under this subsection shall be treated as a payment in satisfaction of the unpaid employment contributions, and the 45 insured person's portion of those employment contributions shall not be recoverable by the employer from the insured person.

(5) Nothing in this section or in regulations 50 under this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to the Social Insurance Fund.

Information to be
furnished by
employers.

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294J.—(1) An employer shall furnish to the Minister in writing in respect of any person who is or was in his employment such particulars, including particulars as to periods of employment, as are required by the Minister to enable determination or review of a claim to any benefit by or in respect of that person.

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(2) Regulations may specify the particulars which an employer shall furnish under subsection (1) and prescribe the manner in which such particulars shall be so furnished.

(3) A person who fails to comply with subsection (1) or regulations made under subsection (2) shall be guilty of an offence.

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Application of
Probation of
Offenders Act,
1907.

294K.—Where—

(a) (i) the employer of an employed contributor is charged with an offence in relation to payment of employment contributions in respect of that contributor, or

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(ii) a person is charged under this Act with an offence in relation to the receipt of any benefit, and

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(b) the court proposes to make an order under section 1 (1) of the Probation of Offenders Act, 1907,

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the court shall not make such order until it is satisfied that all arrears in respect of such contributions have been paid by such employer or any amounts due to be repaid in respect of such benefit have been repaid.”.

28.—(1) The Principal Act is hereby amended by the insertion after section 294K (inserted by section 27 of this Act) of the following section:

Penalties under
Social Welfare Acts.

“Penalties.

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294L.—(1) Except where otherwise provided for, a person guilty of an offence under this Act shall be liable—

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(a) on summary conviction, to a fine not exceeding £1,000 or imprisonment for a term not exceeding 12 months, or both, or

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(b) on conviction on indictment, to a fine not exceeding £10,000 or imprisonment for a term not exceeding 3 years, or both.

(2) Where a person, after conviction of an offence under this Act continues to contravene

the provision concerned, he shall be guilty of an offence on every day on which the contravention continues and for each such offence he shall be liable to a fine, on summary conviction, not exceeding £200 or, on conviction on indictment, 5 not exceeding £2,000.”.

(2) Section 15 of the Principal Act is hereby amended by the substitution for subsection (8) (inserted by section 6 of the No. 2 Act of 1987) of the following subsection:

“(8) A person who fails to comply with subsection (7) shall be 10 guilty of an offence.”.

(3) Section 15A (inserted by section 2 of the No. 2 Act of 1987) of the Principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A person who fails to comply with this section or regu- 15 lations made hereunder shall be guilty of an offence.”.

(4) Section 291 of the Principal Act is hereby amended by the deletion of “under this section”.

(5) Section 293 of the Principal Act is hereby amended by the substitution in subsection (2) for “an offence under this section” of 20 “an offence”.

(6) Section 294 (as amended by section 21 of the Act of 1988) of the Principal Act is hereby repealed.

Amendment of
section 296
(decisions) of
Principal Act.

29.—Section 296 (2) (as amended by section 17 of the Act of 1986) of the Principal Act is hereby amended by the substitution for 25 paragraph (d) of the following paragraph:

“(d) Part VIIA (administration).”.

Repeals
consequential on
section 27.

30.—Each provision of the Principal Act mentioned in *column (1)* of *Schedule C* to this Act is hereby repealed to the extent specified in 30 *column (2)* of that *Schedule* opposite the mention of that provision in *column (1)*.

Alignment and
consolidation of
provisions relating
to decisions and
effect of decisions,
overpayments,
repayments,
interim payments
and suspension of
payment.

31.—(1) The Principal Act is hereby amended by the substitution for section 300 of the following sections:

“Revised decisions.

300.—(1) A deciding officer may, at any time—

(a) revise any decision of a deciding officer, 35
if it appears to him that the decision
was erroneous in the light of new evi-
dence or of new facts which have been
brought to his notice since the date on
which it was given or by reason of some 40
mistake having been made in relation
to the law or the facts, or if it appears
to him that there has been any relevant
change of circumstances since the
decision was given, or 45

5 (b) revise any decision of an appeals officer
if it appears to him that there has been
any relevant change of circumstances
which has come to notice since the
decision was given,

and the provisions of this Part as to appeals shall
apply to the revised decision in the same manner
as they apply to an original decision of a deciding
officer.

10 (2) Subsection (1) (a) shall not apply to a
decision relating to a matter which is on appeal or
reference under section 298 unless the revised
decision would be in favour of a claimant.

15 (3) An appeals officer may, at any time, revise
any decision of an appeals officer if it appears to
him that the decision was erroneous in the light of
new evidence or of new facts brought to his notice
since the date on which it was given, or if it appears
to him that there has been any relevant change of
20 circumstances since the decision was given.

(4) The Chief Appeals Officer may, at any time,
revise any decision of an appeals officer, if it
appears to him that the decision was erroneous
by reason of some mistake having been made in
25 relation to the law or the facts, and, save where
the question is a question to which section 298 (6)
applies, any person who is dissatisfied with the
revised decision may appeal that decision to the
High Court on any question of law.

30 Revised
determination of
entitlement to
supplementary
welfare allowance.

300A.—An officer of a health board who is duly
authorised to determine entitlement to a sup-
plementary welfare allowance may, at any time,
revise any determination of entitlement to such
allowance if it appears to him that the deter-
mination was erroneous in the light of new evi-
dence or of new facts which have been brought to
his notice since the date on which the deter-
mination was given or if it appears to him in a case
where an allowance has been payable that there
has been any relevant change of circumstances
since the determination was given.

Effect of revised
decisions and
determinations.

45 300B.—A revised decision given by a deciding
officer or an appeals officer or a revised deter-
mination of entitlement to a supplementary wel-
fare allowance given by an officer of a health board
shall take effect as follows—

(a) where any benefit, assistance, child ben-
efit or family income supplement will,
by virtue of the revised decision or
50 determination (as the case may be), be
disallowed or reduced and the revised
decision or determination is given

owing to the original decision or determination having been given, or having continued in effect, by reason of any statement or representation (whether written or verbal) which was to the knowledge of the person making it false or misleading in a material respect or by reason of the wilful concealment of any material fact, it shall take effect as from the date on which the original decision or determination took effect, but the original decision or determination may, in the discretion of the deciding officer, appeals officer or officer of the health board (as the case may be), continue to apply to any period covered by the original decision or determination to which such false or misleading statement or representation or such wilful concealment of any material fact does not relate;

(b) where any benefit, assistance, child benefit or family income supplement will, by virtue of the revised decision or determination, be disallowed or reduced and the revised decision or determination is given in the light of new evidence or new facts (relating to periods prior to and subsequent to the commencement of this section) which have been brought to the notice of the deciding officer, appeals officer or officer of the health board (as the case may be) since the original decision or determination was given, it shall take effect from such date as that officer shall determine having regard to the new facts or new evidence;

(c) in any other case, it shall take effect as from the date considered appropriate by the deciding officer, appeals officer or officer of the health board, having regard to the circumstances of the case.

Revision to include revision consisting of reversal.

300C.—A reference in this Part to a revised decision given by a deciding officer or an appeals officer or a revised determination given by an officer of a health board includes a reference to a revised decision or determination which reverses the original decision or determination.

Interim payments, suspension of payment and repayment.

300D.—(1) Regulations may make provision in relation to matters arising—

(a) pending the decision or determination under Part II, III, IV, IVA, VIIA or this Part (whether in the first instance or on an appeal or reference, and whether originally or on revision) of any claim for benefit, assistance, child benefit or family income supplement

5 or of any question affecting any person's right to any such benefit, assistance, child benefit or family income supplement or to receipt thereof or any person's liability for contributions, or

10 (b) out of the effect of any appeal or revision of any decision or determination under Part II, III, IV, IVA, VIIA or this Part on any such claim or question.

(2) Where it appears to the Minister that a question has arisen or may arise as to whether—

15 (a) the conditions for the receipt of benefit, assistance (other than a supplementary welfare allowance), child benefit or family income supplement payable under a decision are or were fulfilled, or

20 (b) a decision that any such benefit, assistance, child benefit or family income supplement is payable ought to be revised under this section,

25 he may direct that payment of the said benefit, assistance, child benefit or family income supplement shall be suspended in whole or in part until the question has been decided.

30 (3) Where it appears to an officer of a health board who is duly authorised to determine entitlement to supplementary welfare allowance that a question has arisen or may arise as to whether—

(a) the conditions for the receipt of an allowance payable under a determination are or were fulfilled, or

35 (b) a determination of entitlement ought to be revised under this section,

payment of the supplementary welfare allowance may be suspended in whole or in part until that question has been determined.

40 (4) Where, in accordance with the provisions of section 300B, a decision or determination is varied or reversed by a deciding officer, an appeals officer or an officer of the health board (as the case may be) so as to disallow or reduce any benefit, assistance, child benefit or family income supplement paid or payable to a person—

45 (a) any benefit paid in pursuance of the original decision shall be repayable to the Social Insurance Fund to the extent to which it would not have been payable if the decision on the appeal or revision had been given in the first instance and such person and any other person to

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whom the benefit was paid on behalf of such person, or the personal representative of such person, shall be liable to pay to the said fund, on demand made in that behalf by an officer of the Minister, the sum so repayable,

- (b) any assistance (other than supplementary welfare allowance under Part III), child benefit or family income supplement paid in pursuance of the original decision shall be repayable to the Minister to the extent to which it would not have been payable if the decision on the appeal or revision had been given in the first instance and such person and any other person to whom the said assistance, child benefit or family income supplement (as the case may be) was paid on behalf of such person, or the personal representative of such person, shall be liable to pay to the Minister, on demand made in that behalf by an officer of the Minister, the sum so repayable,

- (c) any supplementary welfare allowance paid in pursuance of the original determination shall be repayable to the health board to the extent to which it would not have been payable if the revised determination had been given in the first instance and such person and any other person to whom the supplementary welfare allowance was paid on behalf of such person, or the personal representative of such person, shall be liable to pay on demand by the health board the sum so repayable.

Repayment of benefit, assistance, etc. overpaid.

300E.—Where, in any case other than a case involving a revised decision or determination in accordance with section 300B, a person has been—

- (a) in receipt of any benefit, assistance, child benefit or family income supplement for any period during which that person was not entitled thereto, or
- (b) in receipt of such benefit, assistance, child benefit or supplement at a rate higher than that to which he was entitled,

then that person and any other person to whom such benefit, assistance, child benefit or supplement was paid on behalf of such person, or the personal representative of such person, shall be liable to pay—

- (i) to the Social Insurance Fund, in the case of benefit,

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(ii) to the Minister, in the case of assistance (other than supplementary welfare allowance), child benefit or family income supplement, and

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(iii) to the health board, in the case of supplementary welfare allowance,

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on demand any sums paid to that person in respect of the said benefit, assistance, child benefit or supplement during such period or, as the case may be, a sum representing the difference between such benefit, assistance, child benefit or supplement at the rate actually paid and benefit, assistance, child benefit or supplement at the rate to which he was entitled.

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Recovery of sums due by civil proceedings or by deduction from other payments.

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300F.—(1) All sums due to the Social Insurance Fund, other than in accordance with section 300E, shall be recoverable as debts due to the State and, without prejudice to any other remedy (notwithstanding the assignment by any regulations under section 15 (2) to the Collector-General or any other person of any function referred to in that section in relation to employment contributions or the assignment by any regulations under section 17F (2) to the Collector-General of any function referred to in that section in relation to self-employment contributions) may be recovered by the Minister as a debt under statute or simple contract debt in any court of competent jurisdiction.

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(2) Notwithstanding section 20 of the Social Welfare Act, 1988, or any provision in any other enactment specifying the period within which proceedings may be commenced to recover a debt under statute or simple contract debt, any proceedings for the recovery of any sums due to the Social Insurance Fund by way of employment contributions under section 10 (1) or self-employment contributions under section 17C may be brought and shall be maintainable at any time.

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(3) All sums due to the Minister, other than in accordance with section 300E, under this Act shall be recoverable as debts due to the State and may, without prejudice to any other remedy, be recovered by the Minister as a debt under statute or simple contract debt in any court of competent jurisdiction.

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(4) Every sum repaid to or recovered by the Minister under this Act shall be paid into or disposed of for the benefit of the Exchequer or the Social Insurance Fund, as appropriate, in such manner as the Minister for Finance shall direct.

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(5) All sums due to a health board under this Act shall be recoverable as debts due to the State

and may, without prejudice to any other remedy, be recovered by the health board as a debt under statute or simple contract debt in any court of competent jurisdiction.

(6) Any benefit or assistance repayable in accordance with subsection (4) of section 300D or section 300E may, without prejudice to any other method of recovery, be recovered by deduction from any benefit or assistance (except supplementary welfare allowance) to which such person then is or becomes entitled.

(7) (a) Any child benefit repayable in accordance with subsection (4) of section 300D or section 300E may, without prejudice to any other method of recovery, be recovered by deduction from any payment or payments on account of child benefit to which such person then is or becomes entitled.

(b) Any family income supplement repayable in accordance with subsection (4) of section 300D or section 300E may, without prejudice to any other method of recovery, be recovered by deduction from any payment or payments on account of family income supplement to which such person then is or becomes entitled.

(8) The power conferred on the Minister by this section to deduct from any payments on account of benefit, assistance, child benefit or family income supplement to which a person becomes entitled any sums payable by the person to the Minister or the health board under this section, may be exercised, notwithstanding that proceedings have been instituted in a court for the recovery of the sums which the person is liable to repay to the Minister or the health board as aforesaid or that an order has been made by a court requiring the payment by the person of the sums which he is liable to pay to the Minister or the health board under this section, and any costs required by such order to be paid to the Minister or the health board shall be deemed, for the purposes of this section, to be sums payable by the person to the Minister or the health board (as the case may be) under this section.

Repayment of amounts due to be deferred, suspended, reduced or cancelled.

300G.—(1) Notwithstanding anything to the contrary, where a person is required to repay an amount of any benefit, assistance, child benefit or family income supplement in accordance with the provisions of this Act, an officer of the Minister authorised by him for this purpose may, in accordance with such code of practice as shall be prescribed, defer, suspend, reduce or cancel repayment of any such amount.

(2) Regulations for the purpose of this section shall be subject to the sanction of the Minister for Finance.

Effect of decisions
on proceedings.

300H.—In any proceedings for an offence under this Act, or in any proceedings involving any issue related to the payment of contributions, or for the recovery of any sums due to the Minister or the Social Insurance Fund, a decision on any question relevant to the proceedings given in accordance with this Act shall, unless an appeal or reference in respect of the decision is pending or the prescribed time for appealing against the decision has not expired, be conclusive for the purpose of those proceedings and—

(a) if any such decision which might be so given has not been obtained and the decision is necessary for the determination of the proceedings, the question shall be submitted for decision in accordance with this Act, and

(b) where any such appeal or reference is pending or the time for so appealing has not expired or any question has been submitted under paragraph (a), the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.”

(2) Section 298 of the Principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) The decision of an appeals officer on any question—

(a) specified in section 111 (1) (a), (b) or (c), other than a question arising under Chapter 5 of Part II as to whether an accident arose out of and in the course of employment, and

(b) arising under Part III, IV, IVA or VIIA,

shall, subject to sections 300 (1) (b), 300 (3) and 300 (4), be final and conclusive.”.

32.—Each provision of the Principal Act mentioned in *column (1)* of *Schedule D* to this Act is hereby repealed to the extent specified in *column (2)* of that *Schedule* opposite the mention of that provision in *column (1)*.

Repeals
consequential on
section 31.

33.—(1) Where a person is in receipt of assistance or has made a claim for assistance which has not been finally determined, and his means have increased since the date of latest investigation thereof, or, if no such investigation has taken place, since the date of making the claim, the person shall, within such period as may be prescribed,

Notification of
increase in means.

give or cause to be given to the Minister notification in writing of the increase.

(2) A person who fails or neglects to comply with the provisions of *subsection (1)* shall be guilty of an offence.

(3) The Principal Act is hereby amended by the repeal of— 5

(a) section 144 (inserted by section 27 of the Act of 1992), and

(b) subsection (1) (as amended by section 53 of the Act of 1991) of section 172.

Distribution of
assets.

34.—(1) The personal representative of a person who was at any time in receipt of assistance shall, not less than three months before 10 commencing to distribute the assets of that person—

(a) inform the Minister, by notice in writing delivered to the Minister, of his intention to distribute the assets, and provide the Minister with a schedule of the assets of the estate, and 15

(b) if requested in writing by the Minister within three months of the furnishing of the notice and schedule of assets referred to in *paragraph (a)*, ensure that sufficient assets are retained, to the extent (if any) appropriate, to repay any sum which may be determined to be due to the 20 Minister or the State (as the case may be) in respect of—

(i) payment of assistance to the person at a time when the person was not entitled to receive such assistance, or

(ii) payment of assistance to the person of an amount in 25 excess of the amount which the person was entitled to receive.

(2) Notwithstanding any other provision of this Act, for the purposes of determining the sum which is due to the Minister under *subsection (1)*, the means of the deceased person for the period in 30 respect of which assistance was paid to him shall, in the absence of evidence to the contrary, be calculated on the basis that his assets at the time of his death belonged to him for that entire period.

(3) A personal representative who contravenes *subsection (1)* and who distributes the assets of the person whose estate he represents 35 without payment of any sum which is due to the Minister in respect of—

(a) payments of assistance to the person at a time when the person was not entitled to receive such assistance, or

(b) payments of assistance to the person of amounts in excess of 40 the amounts which the person was entitled to receive,

shall be personally liable to repay to the Minister an amount equal to the amount (if any) which the Minister would have received if, in the administration of the estate of the person, the sum aforesaid had been duly taken into account and repaid to the Minister to the extent (if 45 any) appropriate, having regard to the assets of the person, and such amount shall be a debt due by the personal representative to the Minister.

5 (4) Any proceedings to recover assistance due to the Minister as a debt due to the State under subsection (3) of section 300F of the Principal Act (inserted by section 31 of this Act) shall be maintainable against the estate of a deceased person if brought at any time within the period of two years commencing on the date on which the notice and the schedule of assets under paragraph (a) of subsection (1) is received by the Minister or within any other period fixed in any other enactment, whichever is the longer.

(5) The Principal Act is hereby amended by the repeal of—

10 (a) subsections (3), (3A), (3B) (inserted by section 33 of the Act of 1991) and (4) of section 174, and

(b) subsection (11) (inserted by section 34 of the Act of 1991) of section 169.

15 35.—(1) Section 8 (6) of the Social Welfare Act, 1987, is hereby amended by the substitution in paragraph (b) for “period of entitlement to disability benefit” of “period of interruption of employment in respect of incapacity for work”. Duration of payment of disability benefit.

20 (2) Section 8 of the No. 2 Act of 1987 is hereby amended by the substitution in subsection (2) for “period of entitlement to disability benefit” of “period of interruption of employment in respect of incapacity for work”.

36.—(1) Section 2 (1) of the Principal Act is hereby amended by the substitution for the definition of “entry into insurance” of the following definition: Entry into insurance.

25 “‘entry into insurance’ means, subject to sections 16, 79 (11) and 93 (6) and Chapters 7 and 8 of Part II, in relation to any person, the date on which he became an insured person;”.

(2) Section 16 of the Principal Act is hereby amended by the substitution for subsection (5) (inserted by section 25 of the Act of 1991) of the following subsection:

30 “(5) For the purposes of this section in the case of a person to whom Part IV of the Social Welfare Act, 1991, applies, ‘entry into insurance’ shall have the meaning assigned to it by section 78 (4) or (5).”.

35 (3) Section 79 of the Principal Act is hereby amended by the substitution for subsection (11) of the following subsection:

40 “(11) Where a person, other than in the case of a person to whom Part IV of the Social Welfare Act, 1991, applies, becomes an employed contributor by virtue of section 65 (1) and would not, apart from that section, be an employed contributor, his entry into insurance by virtue of that section shall be deemed not to be an entry into insurance for the purposes of subsection (1) of this section and for those purposes his entry into insurance shall be deemed to occur when he first becomes an employed contributor by virtue of paragraph (a) of section 5.”.

45 (4) Section 93 of the Principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“ (6) Where a person becomes an employed contributor by virtue of paragraph (b) of section 5 (1) and would not, apart from that paragraph, be an employed contributor, his entry into

insurance by virtue of that paragraph shall be deemed not to be an entry into insurance for the purposes of subsection (1) of this section and for those purposes his entry into insurance shall be deemed to occur when he first becomes an employed contributor by virtue of paragraph (a) of section 5 (1).”.

5

(5) For the purposes of Part IV of the Act of 1991, a person to whom this Part applies shall be known as a relevant person.

(6) Section 25 of the Act of 1991 is hereby repealed.

Repeals —
Supplementary
Unemployment
Fund.

37.—The Principal Act is hereby amended by the repeal of—

(a) the definition of “the Supplementary Unemployment Fund” 10
contained in section 2 (1),

(b) Part V (as amended by the Social Welfare (Amendment)
Act, 1984), and

(c) the Fifth Schedule.

Miscellaneous
amendments to
Principal Act
arising from
consolidation of
various provisions.

38.—(1) The Principal Act is hereby amended by the substitution 15
for “Subject to this Part,” of “Subject to this Act,” in each place
where those words appear in sections 42 (1), 43 (1), 49 and 225 (1).

(2) The Principal Act is hereby amended by the substitution for
“Subject to this Chapter,” of “Subject to this Act,” in each place
where those words appear in sections 72 (1), 156A, 198H and 200. 20

(3) Section 45 (1) of the Principal Act is hereby amended by the
substitution for “The weekly rate of disablement pension” of “Subject
to this Act, the weekly rate of disablement pension”.

(4) Section 125 (inserted by section 9 of the Act of 1991) of the
Principal Act is hereby amended by the substitution in subsection (2) 25
for “in this Part or Part III or regulations made thereunder” of “in
this Act”.

(5) Section 158 (1) of the Principal Act is hereby amended by the
substitution for “Every person in whose case” of “Subject to this Act,
every person in whose case”. 30

(6) Section 175 (1) (as amended by section 26 of the Act of 1984)
of the Principal Act is hereby amended by the substitution for “Every
blind person” of “Subject to this Act, every blind person”.

(7) Section 195 (1) of the Principal Act is hereby amended by
the substitution for “A deserted wife’s allowance shall, subject to 35
regulations,” of “Subject to this Act and regulations, a deserted wife’s
allowance shall”.

(8) Section 196 (1) of the Principal Act is hereby amended by
the substitution for “A prisoner’s wife’s allowance shall, subject to
regulations,” of “Subject to this Act and regulations, a prisoner’s 40
wife’s allowance shall”.

(9) Section 31 of the Act of 1988 is hereby amended—

(a) in subsection (1), by the deletion of “Notwithstanding any-
thing contained in any enactment,”, and

- (b) in subsection (2), by the deletion of "Notwithstanding anything contained in any enactment,".

39.—(1) Section 2 (1) (as amended by the Act of 1992) of the Principal Act is hereby amended by— Interpretation generally.

5 (a) the insertion of the following definitions:

"'claimant' means a person who has made a claim for any benefit, assistance, child benefit or family income supplement, as the case may be;

10 "'Member State' means a Member State of the European Communities;

"'social welfare inspector' means a person appointed by the Minister under section 294F to be a social welfare inspector for the purposes of Parts II, III (other than Chapter 6), IV, IVA, VIIA and X;

15 "'statutory declaration' means a statutory declaration within the meaning of the Statutory Declarations Act, 1938;" and

(b) the substitution for the definitions of "beneficiary" and "benefit" of the following definitions:

20 "'beneficiary' means a person entitled to any benefit, assistance, child benefit or family income supplement, as the case may be;

"'benefit' means, subject to section 125 and Part VIIA, benefit under Part II;" and

25 (c) the deletion of the definition of "Inspector".

(2) Section 2 (7) of the Principal Act is hereby amended by the deletion in paragraph (a) of "in lawful wedlock".

(3) For the purposes of the Principal Act every reference to—
"inspector" shall be construed as a reference to "social welfare
30 inspector",

"social welfare officer" shall be construed as a reference to "social welfare inspector".

(4) Section 51 (7) of the Principal Act is hereby amended by the deletion of paragraph (b).

35 (5) Section 199 (as amended by section 45 of the Act of 1991) of the Principal Act is hereby amended by the deletion of the definition of "recipient".

(6) For the purposes of Chapter 2 (inserted by section 27 of the Act of 1992) and Chapter 6 of Part III of the Principal Act, any
40 reference to "recipient" shall be construed as a reference to "beneficiary".

(7) For the purposes of Chapter 2 (inserted by section 27 of the Act of 1992) of Part III of the Principal Act, any reference to "applicant" shall be construed as a reference to "claimant".

(8) For the purposes of the Principal Act any reference to that Act shall be construed as including regulations made under or applying the provisions of the said Act.

Continuance of
instruments,
officers and
documents.

40.—(1) All officers appointed under any enactment repealed by *Part VI* of this Act and holding office immediately before the commencement of *Part VI* shall continue in office as if appointed under the provisions of *Part VI*. 5

(2) All instruments and documents—

(a) that—

(i) are made or issued under a provision of the Principal Act that is amended by this Act, or 10

(ii) relate to such a provision and are continued in force by section 312 of the Principal Act as if made or issued under that Act,

and 15

(b) that are in force immediately before the commencement of the amendment,

(other than the provisions of any instruments which are incorporated in this Act) shall continue in force as if made or issued under the provision as so amended. 20

Commencement of
Part VI.

41.—*Part VI* of this Act shall come into operation on such day or days as the Minister may appoint by order or orders and different days may be so appointed for the coming into operation of *Part VI* as respects different provisions of the Part and sections inserted in the Principal Act by *Part VI* and where an order under this section relates to part or parts only of that Part or those sections, the order may provide for the repeal of specified provisions of the existing Part or sections on a specified day or days. 25

PART VII

AMENDMENTS TO PENSIONS ACT, 1990 30

Definitions.

42.—Section 2 of the Pensions Act is hereby amended—

(a) by the substitution for the definition of “auditor” of the following definition:

“‘auditor’, in relation to a scheme, means a person or a firm appointed in pursuance of this Act to act as auditor, for the purposes of this Act, of the scheme;”, 35

(b) by the insertion of the following definitions after the definition of “defined contribution scheme”:

“‘early retirement rule’ means a provision of a scheme under which a member may retire with entitlement to an immediate benefit where either— 40

(i) the member’s right is subject to the consent of some

person or the satisfaction of some condition not relating only to age or period of service in relevant employment or both, or

- 5 (ii) the calculation of the member's immediate retirement benefit involves or may involve the use of an actuarial reduction factor related to his age at the date of his retirement;

10 'external member' in relation to a scheme, means any person who, having been admitted to membership under the rules of the scheme, remains entitled to any benefit under the scheme in respect of a period of service whilst employed outside the State;

'external scheme' means a scheme established under the law of a country other than the State;”,

- 15 (c) by the insertion of the following definition after the definition of “funded scheme”:

20 “‘immediate retirement benefit’ means a benefit payable to a member under the rules of a scheme immediately on retirement from relevant employment but does not include a refund of the member's contributions with or without interest or a transfer of an amount of money from the scheme—

(i) to another scheme, or

- 25 (ii) for application under a policy or contract of insurance approved by the Revenue Commissioners under Chapter II of Part I of the Finance Act, 1972,”

- (d) by the substitution for the definition of “normal pensionable age” of the following definition:

“‘normal pensionable age’ means the later of—

- 30 (a) the earliest age at which a member of a scheme is entitled under the rules of the scheme (disregarding any early retirement rule) to receive an immediate retirement benefit, or

(b) the age of 60 years:

35 Provided that if a member of a scheme is required to retire from relevant employment at an age below 60 years with entitlement under the rules of the scheme to receive an immediate retirement benefit, normal pensionable age means the age at which the member is required to retire from relevant employment;”,

- 40 (e) by the insertion after subparagraph (iv) of the definition of “occupational pension scheme” of the following subparagraph:

“or

- 45 (v) which has been approved by the Revenue Commissioners for the purpose of one or more of the following, that is to say, section 32 of the Finance Act, 1921, or section 34 of the Finance Act, 1958, or

sections 222 or 229 of the Income Tax Act, 1967,”
and

- (f) by the substitution for the definition of “reckonable service” of the following definition:

“reckonable service” means service in the relevant 5
employment during membership of the scheme but does
not include service as a member of the scheme where
either—

- (a) the only benefit thereunder is in respect of death prior 10
to normal pensionable age, or
- (b) the member has been notified in writing by the trustees
that such service does not entitle him to long service
benefit;”.

Offences.

43.—(1) Section 3 (1) of the Pensions Act is hereby amended by 15
the insertion after paragraph (b) of the following paragraph:

“(bb) Where a person who is required under regulations made
under section 5A, to carry out any of the duties imposed upon
trustees by this Act or by any regulations thereunder contravenes,
in his capacity as such a person, a provision of this Act or any
regulations thereunder, he shall be guilty of an offence.”. 20

(2) Section 3 (1) (c) of the Pensions Act is hereby amended by the
substitution of “paragraph (a), (b) or (bb)” for “paragraph (a) or
(b)”.

Regulations.

44.—The Pensions Act is hereby amended by the insertion after 25
section 5 of the following section:

“5A.—Regulations may provide that the provisions of this Act
and of regulations thereunder shall apply to—

- (a) schemes with external members, or
- (b) external schemes, or
- (c) schemes where the majority of the trustees are not 30
resident within the State,

with and subject to such modifications as may be prescribed and
such regulations may require persons other than the trustees of
such schemes to carry out in relation to those schemes any of
the duties imposed upon trustees by this Act or by regulations 35
thereunder.”.

Calculation of
preserved benefit.

45.—Section 37 of the Pensions Act is hereby amended by the
insertion after subsection (4) of the following subsection:

“(4A) Regulations may specify the method of calculating pre- 40
served benefit payable under schemes where on termination of
relevant employment a member has periods of reckonable service
in more than one scheme relating to the same employment.”.

46.—The Pensions Act is hereby amended by the substitution for section 41 of the following section: Application.

“41.—(1) Subject to section 52, this Part shall apply to any scheme other than—

- 5 (a) a defined contribution scheme, or
- (b) a scheme under which service in the relevant employment after the 1st day of January, 1993, does not entitle the members to long service benefit and, where any long service benefit is determined by reference to a member's earnings, such earnings in the case of all members relate to a date or a period prior to the 1st day of January, 1993.
- 10

(2) Notwithstanding subsection (1), section 48 shall apply to any scheme other than a defined contribution scheme.”.

15 47.—Subsection (4A) (inserted by section 59 of the Act of 1992) of section 56 of the Pensions Act is hereby repealed. Repeal.

48.—Section 59 of the Pensions Act is hereby amended by the insertion after paragraph (d) of the following paragraph: General duties of trustees of schemes.

20 “(e) If the scheme is wound up, to apply the resources of the scheme in discharging its liabilities without undue delay in accordance with the rules of the scheme and where applicable, with section 48.”.

49.—Section 63 of the Pensions Act is hereby amended by the substitution for subsection (1) of the following subsection: Removal and appointment of trustees by High Court.

25 “(1) The High Court (in this Part referred to as ‘the Court’) may, on application to it by the Board by petition, make an order—

- (a) for the removal of a trustee of a scheme and the appointment of a new trustee, and
- 30 (b) that a trustee so removed shall not act as a trustee of a scheme for such period as the Court may order.”.

50.—The Pensions Act is hereby amended by—

(a) the insertion after section 64 of the following section: Conflict between Part VI and schemes.

35 “64A.—(1) The provisions of this Part and of any regulations made thereunder shall override any rule of a scheme to the extent that that rule conflicts with those provisions.

(2) Any question as to—

- 40 (a) whether any provision of this Part (including the application of any provision as modified by regulations) or any regulations made thereunder conflicts with any rule of a scheme, or
- (b) whether a scheme is a defined benefit scheme or

a defined contribution scheme for the purposes of this Part,

shall be determined by the Board on application to it in writing in that behalf by a person who, in relation to the scheme, corresponds to a person mentioned in section 38 (3) in relation to the scheme mentioned therein. 5

(3) An appeal to the High Court on a point of law from a determination of the Board under subsection (2) in relation to a scheme, may be brought by the person who made, or a person who was entitled to make, the application concerned under subsection (2).”, 10

and

(b) the insertion in section 26 (1) (a) of “64A” after “58”.

Equality officer.

51.—Section 65 of the Pensions Act is hereby amended by the insertion after the definition of “employer” of the following definition: 15

“‘equality officer’ means an equality officer of the Labour Relations Commission appointed under section 37 of the Industrial Relations Act, 1990;”.

Amendment of Third Schedule to Pensions Act.

52.—(1) The Third Schedule to the Pensions Act is hereby amended by the substitution for paragraph 1 of the following paragraph: 20

“1. The benefits for the purposes of this paragraph shall be all future benefits payable under the rules of the scheme to or in respect of a person who at the effective date of the certificate is receiving benefits or has reached normal pensionable age, excluding future increases in such benefits which are, at the effective date of the certificate, contingent upon the exercise of some person’s discretion.”. 25

(2) The Third Schedule to the Pensions Act is hereby amended by the substitution for paragraph 2 of the following paragraph:

“2. The benefits for the purposes of this paragraph shall be any additional benefits secured for or granted to or in respect of a member of a scheme under the scheme by way of additional voluntary contributions or a transfer of rights from another scheme. Such benefits shall be calculated as at the effective date of the certificate and shall be— 30 35

(a) where, at the effective date of the certificate, the member’s service in relevant employment has terminated and a transfer payment has not been applied in accordance with section 34 or 35, preserved benefit payable in respect of such additional benefits calculated in accordance with Part III or, if no such preserved benefit is payable, the benefits payable under the rules of the scheme in respect of the additional voluntary contributions or the transfer of rights, and 40 45

(b) where, at the effective date of the certificate, the member is in relevant employment, preserved benefit in respect of such additional benefits calculated in accordance with Part III, as if the member’s service in relevant employment had terminated on such date but disregarding any provision requiring the completion of a minimum period of qualifying service.”. 50

SCHEDULE A

Section 3.

"SECOND SCHEDULE RATES OF BENEFITS

PART I

RATES OF PERIODICAL BENEFITS AND INCREASES THEREOF

Description of benefit	Weekly rate	Increase for adult dependant (where payable)	Increase for each of first and second qualified children (where payable)	Increase for each qualified child in excess of two (where payable)	Increase for prescribed relative under section 50 (11), 51 (2), 81 (3), 86 (3), 91 (3), 95 (2) or 103 (2) (where payable)	Increase where the person has attained pensionable age and is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	£	£	£	£	£	£	£
1. Disability Benefit, Unemployment Benefit and Injury Benefit	55.60	35.50	12.80	12.80	—	—	—
2. Death Benefit:							
(a) pension payable to a widow (section 50 (2)) or widower (section 50 (6)) ...	79.50	—	16.50	16.50	32.90	4.70	—
(b) pension payable to a parent							
(i) reduced rate ...	35.70	—	—	—	32.90	4.70	—
(ii) maximum rate ...	79.50	—	—	—	32.90	4.70	—
(c) pension payable to an orphan ...	41.30	—	—	—	—	—	—
3. Old Age (Contributory) Pension and Retirement Pension:	68.90	43.90	14.90	12.80	32.90	4.70	4.60
additional increase for an adult dependant who has attained pensionable age	—	5.60	—	—	—	—	—
4. Invalidity Pension ...	60.80	40.10	14.90	12.80	32.90	4.70	4.60
5. Widow's (Contributory) Pension and Deserted Wife's Benefit ...	62.60	—	16.50	16.50	32.90	4.70	4.60
6. Orphan's (Contributory) Allowance ...	39.20	—	—	—	—	—	—

PART II

OCCUPATIONAL INJURIES BENEFITS—GRATUITIES AND GRANT

	£
1. Disablement Benefit:	
Maximum gratuity ...	5,660
2. Death Benefit:	
(i) Widower's gratuity ...	4,130
(ii) Grant in respect of funeral expenses ...	280

PART III

DISABLEMENT PENSION

Degree of disablement	Weekly rate
(1)	(2)
	£
100 per cent	81.10
90 " "	73.00
80 " "	64.90
70 " "	56.80
60 " "	48.70
50 " "	40.50
40 " "	32.40
30 " "	24.30
20 " "	16.20

PART IV

INCREASES OF DISABLEMENT PENSION

	£
1. Increase where the person is permanently incapable of work ...	55.60
2. Increase where the beneficiary requires constant attendance:	
(a) limit of increase except in cases of exceptionally severe disablement	32.90
(b) limit in any other case	65.80

"

SCHEDULE B
"FOURTH SCHEDULE
RATES OF ASSISTANCE

Section 4.

PART I

RATES OF PERIODICAL SOCIAL ASSISTANCE AND INCREASES THEREOF

Description of assistance, pension or allowance (1)	Weekly rate or amount (2)	Increase for adult dependant (where payable) (3)	Increase for each of first and second qualified children (where payable) (4)	Increase for each qualified child in excess of two (where payable) (5)	Increase for prescribed relative under section 162(1)(a), 179(a), 195(2) or 196(2) (where payable) (6)	Increase where the person has attained pensionable age and is living alone (where payable) (7)	Increase where the person has attained the age of 80 years (where payable) (8)
	£	£	£	£	£	£	£
1. Unemployment Assistance:							
(a) in the case of a person to whom section 137 (1) (a) applies ...	59.20	35.50	12.80	12.80	—	—	—
(b) in the case of a person to whom section 137 (1) (b) applies ...	55.60	35.50	12.80	12.80	—	—	—
2. Pre-Retirement Allowance ...	59.20	35.50	12.80	12.80	—	—	—
3. Old Age Pension and Blind Pension ...	59.20	—	12.80	12.80	32.90	4.70	4.60
4. Widow's (Non-Contributory) Pension, Deserted Wife's Allowance and Prisoner's Wife's Allowance ...	59.20	—	—	—	32.90	4.70	4.60
5. Lone Parent's Allowance ...	59.20	—	14.90	14.90	—	4.70	4.60
6. Carer's Allowance ...	59.20	—	12.80	12.80	—	—	—
7. Orphan's (Non-Contributory) Pension ...	39.20	—	—	—	—	—	—
8. Supplementary Welfare Allowance ...	55.60	35.50	12.80	12.80	—	—	—

PART III

INCREASE OF OLD AGE PENSION FOR A SPOUSE

Means of claimant or pensioner	Weekly rate of increase
	£
Where the weekly means of the claimant or pensioner do not exceed £6	35.50
exceed £6 but do not exceed £8	34.50
exceed £8 but do not exceed £10	33.50
exceed £10 but do not exceed £12	32.50
exceed £12 but do not exceed £14	31.50
exceed £14 but do not exceed £16	30.50
exceed £16 but do not exceed £18	29.50
exceed £18 but do not exceed £20	28.50
exceed £20 but do not exceed £22	27.50
exceed £22 but do not exceed £24	26.50
exceed £24 but do not exceed £26	25.50
exceed £26 but do not exceed £28	24.50
exceed £28 but do not exceed £30	23.50
exceed £30 but do not exceed £32	22.50
exceed £32 but do not exceed £34	21.50
exceed £34 but do not exceed £36	20.50
exceed £36 but do not exceed £38	19.50
exceed £38 but do not exceed £40	18.50
exceed £40 but do not exceed £42	17.50
exceed £42 but do not exceed £44	16.50
exceed £44 but do not exceed £46	15.50
exceed £46 but do not exceed £48	14.50
exceed £48 but do not exceed £50	13.50
exceed £50 but do not exceed £52	12.50
exceed £52 but do not exceed £54	11.50
exceed £54 but do not exceed £56	10.50
exceed £56 but do not exceed £58	9.50
exceed £58 but do not exceed £60	8.50
exceed £60 but do not exceed £62	7.50
exceed £62	Nil

55

SCHEDULE C

Section 30.

Provision of Principal Act (1)	Extent of Repeal (2)
Section 112	The whole section.
Section 112A (inserted by section 3 of the No. 2 Act of 1987)	The whole section.
Section 114	The whole section.
Section 114A (inserted by section 5 of the No. 2 Act of 1987)	The whole section.
Section 115	The whole section.
Section 118	The whole section.
Section 128	The whole section.
Section 136 (1) (inserted by section 27 of the Act of 1992)	Paragraph (b).
Section 141 (inserted by section 27 of the Act of 1992)	The whole section.
Section 142 (inserted by section 27 of the Act of 1992)	The whole section.
Section 143 (inserted by section 27 of the Act of 1992)	The whole section.
Section 147 (inserted by section 27 of the Act of 1992)	The whole section.
Section 163 (1)	Paragraph (b).
Section 167	The whole section.
Section 169	Subsections (1), (2) and (4).
Section 170	The whole section.
Section 184	The whole section.
Section 185	The whole section.
Section 187	The whole section.
Section 188	Subsections (1), (2), (3) and (7).
Section 189	Paragraphs (a), (c), (d), (e) and (f) of subsection (1), subsection (2).
Section 190	The whole section.
Section 191	Subsections (3) to (5).
Section 226	The whole section.
Section 227	The whole section.
Section 230	Subsections (1), (2) and (3).
Section 231	The whole section.
Section 232	Paragraphs (a), (c), (e), (f), (g), (h) and (i) of subsection (1), subsection (2).
Section 319 (as amended by section 24 of the Act of 1992)	Subsection (1).
Section 19 of the Act of 1984	The whole section.
Section 19 of the Act of 1988	The whole section.
Section 22 of the Act of 1989	The whole section.
Section 31 of the Act of 1991	The whole section.

SCHEDULE D

Section 32.

Provision of Principal Act (1)	Extent of Repeal (2)
Section 113	The whole section.
Section 117 (inserted by section 38 of the Act of 1991)	The whole section.
Section 119	The whole section.
Section 132	Subsection (8).
Section 145 (inserted by section 27 of the Act of 1992)	The whole section.
Section 169	Subsections (3), (5), (7), (8), (9) and (10).
Section 172	Subsections (2), (3) and (4).
Section 173	The whole section.
Section 174	Subsections (1) and (2).
Section 189 (1)	Paragraph (c).
Section 192	The whole section.
Section 195 (4)	Paragraph (c).
Section 229	The whole section.
Section 232 (1)	Paragraph (d).

BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna Leasa Shóisialaigh, 1981 go 1992, do leasú agus do leathnú Acht na bPinsean, 1990, agus do dhéanamh socrú le haghaidh nithe comhghaolmhara.

*An tAire Leasa Shóisialaigh a thíolaic,
9 Márta, 1993*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

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entitled

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*Presented by the Minister for Social Welfare,
9th March, 1993*

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