



AN BILLE LEASA SHÓISIALAIGH, 1995
SOCIAL WELFARE BILL, 1995

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

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and construction.
2. Definitions.

PART II

INCREASES

3. Social insurance benefits (new rates).
4. Social assistance payments (new rates).
5. Child benefit (new rates, etc.).

PART III

SOCIAL INSURANCE CONTRIBUTIONS

6. Employment contributions (new rates of contributions and increase in earnings ceiling).
7. Self-employment contributions (new rates of contributions and increase in earnings ceiling).
8. Optional contributions (new rates of contributions).
9. Voluntary contributions by former self-employed contributors.
10. Exemption from payment of contributions.

PART IV

MISCELLANEOUS

11. Adoptive benefit.
12. Carer's allowance (eligibility conditions and calculation of means).

[No. 13b of 1995]

Section

13. Maternity benefit.
14. Qualified child (definition).
15. Adult dependant (payment of allowances in certain circumstances).
16. Unemployment assistance (rates of payment and calculation of means).
17. Unemployment benefit (optional contributions — duration of payment).
18. Replacement of references to “Social Employment Scheme” with “Community Employment”.
19. Old age (contributory) and survivor’s pensions (reckoning of employment contributions).
20. Orphans’ pensions (definition and rate of payment).
21. Recoupment of supplementary welfare allowance.
22. Disqualification from benefit while absent from State or undergoing imprisonment, etc.
23. Amendments to Third Schedule of Principal Act.

PART V

AMENDMENT OF HEALTH CONTRIBUTIONS ACT, 1979 AND YOUTH
EMPLOYMENT AGENCY ACT, 1981

24. Amendment of Health Contributions Act, 1979.
25. Amendment of Youth Employment Agency Act, 1981.

SCHEDULE A

SCHEDULE B

SCHEDULE C

ACTS REFERRED TO

Adoptive Leave Act, 1995	1995, No. 2
Finance Act, 1983	1983, No. 15
Health Contributions Act, 1979	1979, No. 4
Maternity Protection Act, 1994	1994, No. 34
Social Welfare (Consolidation) Act, 1993	1993, No. 27
Social Welfare (No. 2) Act, 1993	1993, No. 32
Social Welfare Act, 1994	1994, No. 4
Youth Employment Agency Act, 1981	1981, No. 32



AN BILLE LEASA SHÓISIALAIGH, 1995
SOCIAL WELFARE BILL, 1995

BILL

entitled

- 5 AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE ACTS, THE HEALTH CONTRIBUTIONS ACT, 1979, AND THE YOUTH EMPLOYMENT AGENCY ACT, 1981.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

- 10 PRELIMINARY

1.—(1) This Act may be cited as the Social Welfare Act, 1995. Short title and construction.

(2) The Social Welfare Acts and this Act (other than *Part V*) shall be construed together as one.

2.—In this Act— Definitions.

- 15 “the Principal Act” means the Social Welfare (Consolidation) Act, 1993;

“the Act of 1994” means the Social Welfare Act, 1994;

“the Regulations of 1995” means the European Communities (Social Welfare) Regulations, 1995 (S.I. No. 25 of 1995).

- 20 PART II

INCREASES

- 3.—(1) The Principal Act is hereby amended by the substitution Social insurance benefits (new rates).
for Parts I to IV (inserted by section 3 of the Act of 1994 and amended by section 13 (2) of that Act and modified by the Regulations of 1995) of the Second Schedule thereto of the Parts set out
25 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 8th day of June, 1995,

- (b) in so far as it relates to disability benefit, health and safety benefit, injury benefit, disablement gratuity and disablement pension, on the 12th day of June, 1995,
- (c) in so far as it relates to retirement pension, invalidity pension and deserted wife's benefit, on the 15th day of June, 1995, and 5
- (d) in so far as it relates to death benefit under section 60, 61, 62 or 63 of the Principal Act, old age (contributory) pension, survivor's pension and orphan's (contributory) allowance, on the 16th day of June, 1995. 10

Social assistance payments (new rates).

4.—(1) The Principal Act is hereby amended by the substitution for Parts I and II (inserted by section 4 of the Act of 1994) of the Fourth Schedule thereto of the Parts set out in *Schedule B* to this Act.

(2) This section shall come into operation— 15

- (a) in so far as it relates to unemployment assistance, on the 7th day of June, 1995,
- (b) in so far as it relates to supplementary welfare allowance, on the 12th day of June, 1995,
- (c) in so far as it relates to pre-retirement allowance, deserted wife's allowance, prisoner's wife's allowance, lone parent's allowance (other than lone parent's allowance payable in respect of a widow or widower), carer's allowance and prescribed relative allowance, on the 15th day of June, 1995, and 20 25
- (d) in so far as it relates to old age (non-contributory) pension, blind pension, widow's (non-contributory) pension, lone parent's allowance payable in respect of a widow or widower and orphan's (non-contributory) pension, on the 16th day of June, 1995. 30

Child benefit (new rates, etc.).

5.—(1) The Fourth Schedule to the Principal Act is hereby amended by the substitution for Part III (inserted by section 5 of the Act of 1994) of the following Part:

“PART III

AMOUNTS OF CHILD BENEFIT

35

Amount for each of first 2 children (1)	Amount for each child in excess of 2 (2)
£27	£32

”.

(2) Section 192 of the Principal Act is hereby amended by the substitution in subsection (1) (b) of “19 years” for “18 years”. 40

(3) The Principal Act is hereby amended by—

(a) the substitution in section 192 (2) of "who resides with a qualified person and such person's spouse while the qualified person or his spouse" for "who resides with a qualified person while such person", and

5 (b) the insertion in section 3 (12) after "165 (4)" of "192 (2)".

(4) Subsections (1) and (2) of this section shall come into operation on the 1st day of September, 1995.

PART III

SOCIAL INSURANCE CONTRIBUTIONS

10 6.—(1) Section 10 (1) (inserted by section 7 of the Act of 1994) of the Principal Act is hereby amended by—

Employment contributions (new rates of contributions and increase in earnings ceiling).

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

15 "(b) Subject to paragraph (c) and to regulations under section 11, where in any contribution week a payment is made to or for the benefit of an employed contributor in respect of reckonable earnings of that employed contributor, there shall be payable a contribution by the employed contributor at the rate of
20 5.5 per cent. of the amount of reckonable earnings in excess of £50 in that week in respect of each employment (or the equivalent thereof in the case of an employed contributor remunerated otherwise than on a weekly basis) to which such payment relates."
25

(b) the substitution in paragraph (c) of "£21,500" for "£20,900", and

(c) the substitution in paragraph (d) of "£231" for "£173" in both places where it occurs.

30 (2) This section shall come into operation on the 6th day of April, 1995.

7.—(1) Section 18 (1) of the Principal Act is hereby amended by—

Self-employment contributions (new rates of contributions and increase in earnings ceiling).

35 (a) the substitution in paragraph (a) of "of an amount equal to 5 per cent. of the reckonable income in excess of £520 or the amount of £230, whichever is the greater" for "of an amount equal to 5 per cent. of the reckonable income or the amount of £250, whichever is the greater",

40 (b) the substitution in paragraph (c) of "of an amount equal to 5 per cent. of reckonable emoluments in excess of £520 or the amount of £230, whichever is the greater" for "of an amount equal to 5 per cent. of reckonable emoluments or the amount of £250, whichever is the greater",

(c) the substitution in paragraph (d) of "£21,500" for "£20,900" (inserted by section 8 of the Act of 1994), and

45 (d) the substitution in paragraph (h) of "£230" for "£250" in both places where it occurs.

(2) This section shall come into operation on the 6th day of April, 1995.

Optional contributions (new rates of contributions).

8.—(1) Section 24B (1) (inserted by section 4 of the Social Welfare (No. 2) Act, 1993) is hereby amended by the insertion in paragraph (a) after “reckonable income” of “in excess of £520”.

5

(2) This section shall come into operation on the 6th day of April, 1995.

Voluntary contributions by former self-employed contributors.

9.—(1) Section 23 of the Principal Act is hereby amended by the substitution in subsection (1) of “£230” for “£250” (inserted by section 9 of the Act of 1994).

10

(2) This section shall come into operation on the 6th day of April, 1995.

Exemption from payment of contributions.

10.—Section 10 of the Principal Act is hereby amended by the insertion after subsection (9) (inserted by section 10 of the Act of 1994) of the following subsection:

15

“(10) Regulations may, subject to such conditions and in such circumstances as may be prescribed, exempt an employer who employs an employee under and by virtue of a scheme administered by the Department of Social Welfare known as the Employers’ Pay-Related Social Insurance Exemption Scheme, from the liability to pay the contribution specified in section 10 (1) (d) in respect of any such employee.”.

20

PART IV

MISCELLANEOUS

Adoptive benefit.

11.—(1) The Principal Act is hereby amended by the insertion after Chapter 8A (inserted by the Regulations of 1995) of Part II of the following Chapter:

25

“CHAPTER 8B

ADOPTIVE BENEFIT

Entitlement to and duration of adoptive benefit.

41G.—(1) In this Chapter, ‘adopting parent’ has the meaning assigned to it in section 2 (1) of the Adoptive Leave Act, 1995.

30

(2) Subject to this Act, an adopting parent shall be entitled to adoptive benefit if—

(a) it is certified by the adopting parent’s employer that the adopting parent is entitled to adoptive leave under the Adoptive Leave Act, 1995, and

35

(b) the adopting parent satisfies the contribution conditions in section 41H.

40

(3) Regulations may provide for entitling to adoptive benefit, subject to such conditions and

in such circumstances as may be prescribed, such class or classes of adopting parents who would be entitled thereto but for the fact that the contribution conditions in section 41H are not satisfied.

5 (4) Subject to this Chapter, adoptive benefit shall be payable for the period of adoptive leave which the adopting parent is entitled to under section 6, 9 or 42, as the case may be, of the Adoptive Leave Act, 1995:

10 Provided that, where the beneficiary dies, the benefit shall not be payable for any subsequent day.

15 (5) For the purposes of this section, a Sunday shall not in any week be treated as a day of entitlement to adoptive benefit and, accordingly, the amount payable by way of such benefit for any other day of a week shall be one-sixth of the appropriate weekly rate, subject to the total amount being paid at any time by virtue of this subsection being rounded up to the nearest 10p where it is a multiple of 5p but not also a multiple of 10p, and being rounded to the nearest 10p where it is not a multiple of 5p or 10p.

20 (6) Where the employment ceases (whether due to the death of the employer or otherwise) during the period for which adoptive benefit is payable in accordance with subsection (4), the beneficiary shall continue to be treated as if the event which caused the cesser of employment had not occurred.

25 Conditions for receipt. 41H.—(1) The contribution conditions for adoptive benefit are—

30 (a) (i) that the claimant has qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the claimant's entry into insurance and ending immediately before the relevant day, and

35 (ii) that the claimant has qualifying contributions or credited contributions in respect of not less than 39 contribution weeks in the last complete contribution year before the beginning of the benefit year in which the relevant day occurs or in a subsequent complete contribution year before the relevant day, or

40 (b) that the claimant has qualifying contributions in respect of not less than 39 contribution weeks in the 12 months immediately preceding the relevant day.

(2) In subsection (1), 'relevant day' means the first day for which adoptive benefit is claimed.

(3) Regulations may provide for modifications of the contribution conditions set out in subsection (1). 5

Rate of adoptive benefit.

41I.—(1) Subject to this Act, the weekly rate of adoptive benefit shall be an amount equal to—

(a) 70 per cent. of the reckonable weekly earnings of the person to whom the benefit is payable in the income tax year prescribed for the purposes of this section, or 10

(b) the amount of disability benefit, including any increases thereof, which the person would otherwise receive if entitled to the said benefit, or 15

(c) such amount as shall be prescribed,

whichever is the greater.

(2) 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. 20

Disqualification.

41J.—Regulations may provide for disqualifying an adopting parent for receiving adoptive benefit if, during the period for which the benefit is payable, the adopting parent engages in any occupation other than domestic activities in that parent's own household." 25 30

(2) (a) Section 4 (as amended by section 13 of the Act of 1994) of the Principal Act is hereby amended by—

(i) the insertion in subsection (4) (a) of "41I," before "42 (2)", and

(ii) the insertion in subsection (5) of "41H (3)," before "43 (4)". 35

(b) Section 30 (1) of the Principal Act is hereby amended by the insertion after paragraph (bb) (inserted by the Regulations of 1995) of the following paragraph:

"(bbb) adoptive benefit," 40

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

Carer's allowance (eligibility conditions and calculation of means).

12.—(1) Section 163 (1) (as amended by section 13 (2) of the Act of 1994) of the Principal Act is hereby amended by the substitution for the definition of "relevant pensioner" of the following definition: 45

“relevant pensioner” means a person (other than a person in receipt of an increase of disablement pension under section 57 in respect of constant attendance) who is so incapacitated as to require full-time care and attention, and who—

- 5 (a) has attained pensionable age, or
- (b) is in receipt of—
- 10 (i) invalidity pension, or a payment corresponding to invalidity pension from a Member State (other than the State), or under the legislation of any other State with which the Minister has made a reciprocal arrangement under the provisions of section 238,
- (ii) blind pension, or
- (iii) disabled person’s maintenance allowance, or
- 15 (c) is in receipt of retirement pension, or who has attained the age of 65 years and is in receipt of a payment corresponding to retirement pension from a Member State (other than the State) or under the legislation of any other State with which the Minister has made a reciprocal arrangement under the provisions of section 238, where such person was, immediately prior to the receipt of such pension, in receipt of invalidity pension or a payment corresponding to invalidity pension from a Member State (other than the State) or under such a reciprocal arrangement;”.

25 (2) Rule 4 of Part II of the Third Schedule to the Principal Act is hereby amended by the substitution for paragraph (1A) (inserted by section 16 of the Act of 1994) of the following paragraph:

30 “(1A) In the case of carer’s allowance, in calculating the means of the other member of the couple for the purposes of paragraph (1), such amount as may be prescribed shall be disregarded.”.

(3) This section shall come into operation on the 15th day of June, 1995.

13.—(1) Section 37 (as modified by the Regulations of 1995) of Maternity benefit. the Principal Act is hereby amended by—

35 (a) the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) it is certified by her employer that she is entitled to maternity leave under section 8 of the Maternity Protection Act, 1994, and”.

40 (b) the substitution in subsection (2) for “the conditions set out in subsections (1) (b) and (1) (c) are not satisfied” of “the contribution conditions in section 38 are not satisfied”,

(c) the substitution for subsection (3) of the following subsection:

45 “(3) (a) Subject to this Act, where it is certified by his employer that a man, who satisfies the contribution conditions in section 38, is entitled to

leave under section 16 of the Maternity Protection Act, 1994, he shall be entitled to benefit under this Chapter as if he was a woman who was entitled to maternity leave under section 8 of the said Act and the provisions of this Chapter (other than section 40 (b)) shall apply in all respects in the case of such a man. 5

(b) In this Act, a reference to maternity benefit shall be construed as including a reference to benefit payable to a man under this subsection.”, 10

(d) the substitution for subsection (4) (as amended by section 6 of the Maternity Protection Act, 1994) of the following subsection:

“(4) Subject to this Chapter, maternity benefit shall be payable to— 15

(a) a woman, for the period of maternity leave she is entitled to under section 8 of the Maternity Protection Act, 1994 (including any extension of that period by virtue of section 12 of that Act), or

(b) a man, for the period of leave he is entitled to under section 16 of the Maternity Protection Act, 1994: 20

Provided that where the beneficiary dies, the benefit shall not be payable for any subsequent day.”, and

(e) the substitution for subsection (7) of the following subsection: 25

“(7) Where the employment ceases (whether due to the death of the employer or otherwise) during the period for which maternity benefit is payable in accordance with subsection (4), the beneficiary shall continue to be treated as if the event which caused the cesser of employment had not occurred.”. 30

(2) Section 38 of the Principal Act is hereby amended by—

(a) the substitution for “the 1st day of maternity leave” of “the relevant day” in each place where those words occur, and

(b) the insertion after subsection (2) of the following subsection: 35

“(3) In subsection (1) ‘the relevant day’ means the first day for which maternity benefit is claimed.”.

Qualified child
(definition).

14.—(1) Section 2 (3) (b) (as amended by section 13 of the Act of 1994) of the Principal Act is hereby amended by the substitution in clause (II) of subparagraph (iii) of “22 years” for “21 years”. 40

(2) This section shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with particular reference to any benefit or assistance or to family income supplement and different days may be so appointed for the purpose of any benefit or assistance or family income supplement. 45

15.—(1) The Principal Act is hereby amended by the insertion after section 245 of the following section: Adult dependant (payment of allowances in certain circumstances).

5 “245A.—(1) Subject to subsection (2), regulations may provide for entitling to an increase of benefit or assistance (other than supplementary welfare allowance), as the case may be, payable in respect of an adult dependant, a claimant or beneficiary who would be entitled thereto but for the fact that his spouse has income in excess of a prescribed amount.

10 (2) Regulations for the purposes of subsection (1) shall provide that the increase payable by virtue thereof shall be payable at a rate less than the appropriate rate specified in the Second or Fourth Schedule, as the case may be, and the rate specified by the regulations may vary by reference to the amount by which the income of the spouse exceeds the amount prescribed for the purposes of subsection (1).

15 (3) Notwithstanding the provisions of this Act, in the case of a person who qualifies for an increase in respect of an adult dependant by virtue of regulations made under this section, any increase in benefit or assistance, as the case may be, in respect of a qualified child who normally resides with the beneficiary and with the spouse of the beneficiary shall be payable at the rate of one-half of the appropriate amount.

 (4) In this section ‘benefit’ means benefit under Part II.”.

25 (2) Section 2 (2) of the Principal Act is hereby amended by the substitution for “subject to section 170” of “subject to sections 170 and 245A”.

 (3) Section 3 (12) of the Principal Act is hereby amended by the insertion after “192 (2)” (inserted by section 5 of this Act) of “, 245A”.

30 (4) Section 4 (4) of the Principal Act (as amended by section 13 of the Act of 1994) is hereby amended by the insertion after “241,” of “245A,”.

35 (5) This section shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with particular reference to any benefit or assistance and different days may be so appointed for the purpose of any benefit or assistance.

16.—(1) Section 121 (1) of the Principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph: Unemployment assistance (rates of payment and calculation of means).

 “(a) in the case of a person who—

40 (i) in any continuous period of unemployment, as construed in accordance with section 120 (3), has been in receipt of unemployment benefit or unemployment assistance for not less than 390 days, or

45 (ii) immediately before the day for which unemployment assistance is claimed, was in receipt of lone parent’s allowance, but has ceased to be entitled to such allowance by virtue of his no longer being regarded as a lone parent within the meaning of section 157 (1),

the weekly rate set out in column (2) at reference 1(a) in Part I of the Fourth Schedule.”.

(2) Section 121 (3) of the Principal Act is hereby amended by the substitution of “£25” for “£10” (inserted by section 22 of the Act of 1994) in both places where it occurs. 5

(3) The Principal Act is hereby amended by—

(a) the substitution in section 122 (6) for “In subsection (4)” of “In this section”, and

(b) the substitution for Rule 3 of Part I of the Third Schedule of the following Rule: 10

“3. For the purposes of Rules 1 and 2 ‘spouse’ means—

(a) each person of a married couple who are living together, or

(b) a man and woman who are not married to each other but are cohabiting together as husband and wife.”. 15

(4) Section 124 of the Principal Act is hereby amended by the substitution for “subparagraph (ii) of section 121 (1) (b)” of “section 121 (1)” in both places where it occurs.

(5) *Subsection (2)* of this section shall come into operation on the 7th day of June, 1995. 20

Unemployment benefit (optional contributions — duration of payment).

17.—Section 46 (4) of the Principal Act is hereby amended by the insertion after “qualifying contributions” in paragraph (a) of “(other than optional contributions)”.

Replacement of references to “Social Employment Scheme” with “Community Employment”.

18.—The Principal Act is hereby amended by— 25

(a) the substitution in sections 42 (5) (a), 47 (3), 50 (11), 120 (5) (a), 125 (1) (c) and paragraph 6 of Part II of the First Schedule for “the Social Employment Scheme” of “Community Employment”,

(b) the deletion in section 42 (5) of paragraph (e), and 30

(c) the deletion in section 120 (5) of paragraph (e).

Old age (contributory) and survivor’s pensions (reckoning of employment contributions).

19.—(1) The Principal Act is hereby amended by the substitution for section 105 (inserted by section 11 of the Act of 1994) of the following section:

“105.—(1) In the case of any claim for survivor’s pension made on or after the 6th day of April, 1995, where the insurance record of a person, who, having been a self-employed contributor, is being used to establish entitlement to survivor’s pension, the contribution conditions contained in section 102 shall not be regarded as having been satisfied unless, in accordance with section 18— 35 40

(a) he has paid self-employment contributions in respect of at least 1 contribution year before the relevant time, and

(b) all self-employment contributions payable by him have been paid.

5 (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) The Principal Act is hereby amended by the substitution for section 85 of the following section:

10 “85.—(1) In the case of a person who, having been a self-employed contributor, makes a claim for old age (contributory) pension, on or after the 6th day of April, 1995, the contribution conditions contained in section 84 shall not be regarded as having been satisfied unless, in accordance with section 18—

15 (a) he has paid self-employment contributions in respect of at least 1 contribution year before attaining pensionable age, and

(b) all self-employment contributions payable by him 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.”.

(3) This section shall come into operation on the 6th day of April, 1995.

25 20.—(1) Section 2 (1) of the Principal Act is hereby amended by the substitution for the definition of “orphan” of the following definition: Orphans' pensions (definition and rate of payment).

“ ‘orphan’ means a qualified child—

(a) both of whose parents are dead, or

30 (b) one of whose parents is dead, unknown, has abandoned or has refused or failed to provide for the child and whose other parent—

(i) is unknown, or

35 (ii) has abandoned or has refused or failed to provide for the child,

where that child is not normally residing with a step-parent or with a person who is married to and living with that step-parent;”.

40 (2) Section 149 of the Principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) An orphan’s (non-contributory) pension shall be payable where—

(a) the weekly means of the claimant or beneficiary do not exceed £6, at the scheduled rate, and

- (b) such weekly means exceed £6, at the scheduled rate reduced by £2 for each amount (if any) of £2 by which those weekly means exceed £6, any fraction of £2 in those weekly means being treated for this purpose as £2:

Provided that, if the rate calculated pursuant to this paragraph at which, but for this proviso, the pension would be payable is less than £2, the pension shall not be payable.”. 5

(3) *Subsection (2)* of this section shall come into operation on the 16th day of June, 1995. 10

Recoupment of supplementary welfare allowance.

21.—The Principal Act is hereby amended by the insertion after section 184 of the following section:

“184A.— Where—

(a) in respect of any period a health board has granted supplementary welfare allowance to or in respect of a person who, though entitled under the legislation of a Member State (other than the State) to a social security payment (in this section referred to as ‘the relevant payment’), is not in receipt of such payment, and 15

(b) such supplementary welfare allowance is in excess of the amount which would have been granted to that person if he had been in receipt of the relevant payment, and 20

(c) the health board has certified to the competent institution of the relevant Member State the amount of supplementary welfare allowance in excess of which he would have been entitled (in this section referred to as ‘the excess’) in respect of the said period by such health board, 25

the health board may request the said institution to deduct the amount of the excess from the relevant payment.”.

Disqualification from benefit while absent from State or undergoing imprisonment, etc.

22.—(1) The Principal Act is hereby amended by the substitution for section 211 of the following section: 30

“211.—(1) Subject to section 192, a person shall be disqualified from receiving—

(a) any benefit (including any increase thereof) while that person is absent from the State or is undergoing penal servitude, imprisonment or detention in legal custody, or 35

(b) any increase of benefit payable in respect of that person’s spouse for any period during which that spouse is absent from the State or is undergoing penal servitude, imprisonment or detention in legal custody. 40

(2) Notwithstanding subsection (1), the Minister may make regulations enabling payment of any benefit or assistance to be made, subject to such conditions and in such circumstances as may be prescribed, to or in respect of any person who is absent from the State or is undergoing penal servitude, imprisonment or detention in legal custody.”. 45

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

23.—Each provision of the Third Schedule to the Principal Act mentioned in *column (1)* of *Schedule C* to this Act is hereby amended in the manner specified in *column (2)* of that Schedule opposite the mention of that provision in *column (1)*.

Amendments to
Third Schedule of
Principal Act.

PART V

AMENDMENT OF HEALTH CONTRIBUTIONS ACT, 1979 AND YOUTH EMPLOYMENT AGENCY ACT, 1981

24.—(1) The Health Contributions Act, 1979, is hereby amended by—

Amendment of
Health
Contributions Act,
1979.

(a) the substitution for section 7A (inserted by section 34 of the Act of 1994) of the following section:

“7A.—(1) An individual referred to in section 4 shall not be liable to pay health contributions in respect of—

(a) any payment on account of emoluments made in any contribution year if his reckonable income consists of emoluments only in that year and the amount of the payment does not exceed an amount equal to £178 where the period in respect of which the payment is made is a week or a corresponding amount where the period in respect of which the payment is made is greater or less than a week,

(b) his reckonable income for a contribution year if such income does not consist of emoluments only and the amount of that income does not exceed £9,250 in that year, or

(c) any payment made by him under or pursuant to a maintenance arrangement within the meaning of section 3 of the Finance Act, 1983, relating to a marriage for the benefit of the other party to the marriage, unless the provisions of section 4 of that Act apply in respect of such payment.

(2) Where an individual's reckonable income for a contribution year did not exceed £9,250, any health contributions deducted from emoluments forming part of that reckonable income shall be repaid to that individual.”, and

(b) the substitution for subsection (2) of section 11 of the following subsection:

“(2) The following are the pensions, allowances, benefits or payments referred to in subsections (1) (a) and (1) (b) of this section:

(a) survivor's pension;

(b) widow's (non-contributory) pension;

(c) deserted wife's benefit;

- (d) deserted wife's allowance;
- (e) death benefit by way of a pension under section 60 of the Social Welfare (Consolidation) Act, 1993;
- (f) lone parent's allowance;
- (g) a payment corresponding to a pension referred to in paragraph (a) or (e) of this subsection from the competent authority of a Member State (other than the State) of the European Union under legislation to which the regulations of the Union on the application of social security schemes to employed persons and their families moving within the territory of the Union apply.”. 5
10

(2) This section shall come into operation on the 6th day of April, 1995.

Amendment of
Youth Employment
Agency Act, 1981.

25.—(1) The Youth Employment Agency Act, 1981, is hereby amended by— 15

(a) the substitution for section 18A (inserted by section 35 of the Act of 1994) of the following section:

“18A.—(1) An individual referred to in section 15 shall not be liable to pay the levy in respect of— 20

(a) any payment on account of emoluments made in a contribution year if his reckonable income consists of emoluments only in that year and the amount of the payment does not exceed an amount equal to £178 where the period in respect of which the payment is made is a week or a corresponding amount where the period in respect of which the payment is made is greater or less than a week, 25

(b) his reckonable income for a contribution year if such income does not consist of emoluments only and the amount of that income does not exceed £9,250 in that year, or 30

(c) any payment made by him under or pursuant to a maintenance arrangement within the meaning of section 3 of the Finance Act, 1983, relating to a marriage for the benefit of the other party to the marriage, unless the provisions of section 4 of that Act apply in respect of such payment. 35

(2) Where an individual's reckonable income for a contribution year did not exceed £9,250, any levy deducted from emoluments forming part of that reckonable income shall be repaid to that individual.”, 40

(b) the substitution in section 22 of “the Social Welfare (Consolidation) Act, 1993” for “the Social Welfare (Consolidation) Act, 1981” in each place where it occurs, and 45

(c) the substitution for subsection (2) of section 22 of the following subsection:

“(2) The following are the pensions, allowances, benefits or payments referred to in subsections (1) (a) and (1) (b) of this section:

- 5 (a) survivor’s pension;
- (b) widow’s (non-contributory) pension;
- (c) deserted wife’s benefit;
- (d) deserted wife’s allowance;
- (e) death benefit by way of a pension under section 60 of the Social Welfare (Consolidation) Act, 1993;
- 10 (f) lone parent’s allowance;
- (g) a payment corresponding to a pension referred to in paragraph (a) or (e) of this subsection from the competent authority of a Member State (other than the State) of the European Union under legislation to which the regulations of the Union on the application of social security schemes to employed persons and their families moving within the territory of the Union apply.”
- 15

(2) This section shall come into operation on the 6th day of April,
20 1995.

PART II

OCCUPATIONAL INJURIES BENEFITS — GRATUITIES AND GRANT

Description of Grant (1)		Amount (2)
		£
5	1. Disablement Benefit: Maximum gratuity	5,980
	2. Death Benefit:	
	(a) Widower's gratuity	4,360
	(b) Grant in respect of funeral expenses	300

10

PART III

DISABLEMENT PENSION

Degree of disablement (1)		Weekly rate (2)
		£
15	100 per cent	85.60
	90 " "	77.00
	80 " "	68.50
	70 " "	59.90
	60 " "	51.40
20	50 " "	42.80
	40 " "	34.20
	30 " "	25.70
	20 " "	17.10

PART IV

25

INCREASES OF DISABLEMENT PENSION

Description of Increase (1)		Weekly Rate (2)
		£
	1. Increase where the person is permanently incapable of work ...	62.50
30	2. Increase where the person requires constant attendance:	
	(a) limit of increase except in cases of exceptionally severe disablement	34.70
	(b) limit in any other case	69.50

..

SCHEDULE B

"FOURTH SCHEDULE

RATES OF ASSISTANCE

PART I

RATES OF PERIODICAL SOCIAL ASSISTANCE AND INCREASES THEREOF

5

Description of assistance (1)	Weekly rate (2)	Increase for adult dependant (where payable) (3)	Increase for each qualified child (where payable) (4)	Increase for prescribed relative under section 167 (where payable) (5)	Increase where the person has attained pensionable age and is living alone (where payable) (6)	Increase where the person has attained the age of 80 years (where payable) (7)	
1. Unemployment Assistance:	£	£	£	£	£	£	
(a) in the case of a person to whom section 121 (1) (a) applies ...	62.50	37.50	13.20	—	—	—	20
(b) in the case of a person to whom section 121 (1) (b) applies ...	60.40	37.50	13.20	—	—	—	
2. Pre-Retirement Allowance ...	62.50	37.50	13.20	—	—	—	
3. Old Age (Non-Contributory) Pension and Blind Pension ...	62.50	—	13.20	34.70	4.90	4.80	25
4. Widow's (Non-Contributory) Pension, Deserted Wife's Allowance and Prisoner's Wife's Allowance ...	62.50	—	—	34.70	4.90	4.80	
5. Lone Parent's Allowance ...	62.50	—	15.20	—	4.90	4.80	30
6. Carer's Allowance ...	62.50	—	13.20	—	—	—	
7. Orphan's (Non-Contributory) Pension ...	41.40	—	—	—	—	—	
8. Supplementary Welfare Allowance ...	60.40	37.50	13.20	—	—	—	35

PART II

INCREASE OF OLD AGE (NON-CONTRIBUTORY) PENSION AND BLIND PENSION FOR ONE OF A COUPLE

Means of claimant or pensioner		Weekly rate of increase
5	Where the weekly means of the claimant or pensioner	£
	do not exceed £6	37.50
	exceed £6 but do not exceed £8	36.50
	exceed £8 but do not exceed £10	35.50
10	exceed £10 but do not exceed £12	34.50
	exceed £12 but do not exceed £14	33.50
	exceed £14 but do not exceed £16	32.50
	exceed £16 but do not exceed £18	31.50
	exceed £18 but do not exceed £20	30.50
15	exceed £20 but do not exceed £22	29.50
	exceed £22 but do not exceed £24	28.50
	exceed £24 but do not exceed £26	27.50
	exceed £26 but do not exceed £28	26.50
	exceed £28 but do not exceed £30	25.50
20	exceed £30 but do not exceed £32	24.50
	exceed £32 but do not exceed £34	23.50
	exceed £34 but do not exceed £36	22.50
	exceed £36 but do not exceed £38	21.50
	exceed £38 but do not exceed £40	20.50
25	exceed £40 but do not exceed £42	19.50
	exceed £42 but do not exceed £44	18.50
	exceed £44 but do not exceed £46	17.50
	exceed £46 but do not exceed £48	16.50
	exceed £48 but do not exceed £50	15.50
30	exceed £50 but do not exceed £52	14.50
	exceed £52 but do not exceed £54	13.50
	exceed £54 but do not exceed £56	12.50
	exceed £56 but do not exceed £58	11.50
	exceed £58 but do not exceed £60	10.50
35	exceed £60 but do not exceed £62	9.50
	exceed £62 but do not exceed £64	8.50
	exceed £64 but do not exceed £66	7.50
	exceed £66	Nil

SCHEDULE C

Provision of Third Schedule Amended (1)	Nature of Amendment (2)	
Rule 1 (1) of Part I	The insertion before "the yearly value ascertained in the prescribed manner of all property" of "other than in such circumstances and subject to such conditions and for such periods as may be prescribed,".	5
Rule 1 (2) of Part I (as amended by section 18 of the Act of 1994)	The deletion of subparagraph (1).	10
Rule 1 (1) of Part II	The insertion before "the yearly value of any property" of "other than in such circumstances and subject to such conditions and for such periods as may be prescribed,".	15
Rule 1 (4) of Part II (as amended by section 18 of the Act of 1994)	The deletion of subparagraph (m).	
Rule 5 of Part II	The substitution of "lone parent's allowance or carer's allowance" for "or lone parent's allowance" in both places where it occurs.	20

BILLE

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna Leasa Shóisialaigh, an Achta um Ranníocaí Sláinte, 1979, agus an Achta um Ghníomhairacht Fostaíochta don Aos Óg, 1981.

BILL

entitled

An Act to amend and extend the Social Welfare Acts, the Health Contributions Act, 1979, and the Youth Employment Agency Act, 1981.

*Ritheadh ag dhá Theach an Oireachtais,
4 Aibreán, 1995*

*Passed by both Houses of the Oireachtas,
4th April, 1995*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly from the Government Publications Sale Office,
Sun Alliance House, Molesworth Street, Dublin 2.

£2.40

ISBN 0-7076-0846-5



9 780707 608464