



AN BILLE LEASA SHÓISIALAIGH (UIMH. 2), 1995
SOCIAL WELFARE (NO. 2) BILL, 1995

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

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3. Survivor's pension.
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SCHEDULE

ACTS REFERRED TO

Social Welfare (Consolidation) Act, 1993

1993, No. 27

Social Welfare Act, 1994

1994, No. 4



AN BILLE LEASA SHÓISIALAIGH (UIMH. 2), 1995
SOCIAL WELFARE (NO. 2) BILL, 1995

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE
ACTS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

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

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

2.—Section 60 of the Principal Act (as amended by section 32 of
the Act of 1994) is hereby amended by—

Death benefit for
widows and
widowers.

15 (a) the insertion after subsection (6) of the following sub-
sections:

“(6A) A pension under subsection (6) shall not be
payable for any period after the remarriage of the
widower.

20 (6B) A widower shall be disqualified for receiving a
pension under this section if and so long as he and any
person are cohabiting as husband and wife.”,

and

(b) the insertion after subsection (9) of the following
subsection:

25 “(10) In this section—

(a) a reference to a widow or a widower shall include
a reference to a person who would otherwise be a
widow or a widower but for the fact that the per-
son’s marriage has been dissolved, being a dissol-
ution that is recognised as valid in the State, and

30

(b) ‘the deceased’ in relation to a widow or a widower
who has been married more than once, refers only
to the widow’s or widower’s last spouse and for
this purpose spouse shall be construed as including

a party to a marriage that has been dissolved, being a dissolution that is recognised as valid in the State.”.

Survivor's pension.

3.—(1) Section 100 of the Principal Act (inserted by section 11 of the Act of 1994) is hereby amended by the substitution for the definitions of “spouse” and “survivor” of the following definitions: 5

“‘spouse’, in relation to a survivor who has been married more than once, refers only to the survivor’s last spouse and for this purpose spouse shall be construed as including a party to a marriage that has been dissolved, being a dissolution that is recognised as valid in the State; 10

‘survivor’ means a widow, a widower or a person who would otherwise be a widow or a widower but for the fact that the person’s marriage has been dissolved, being a dissolution that is recognised as valid in the State;” 15

(2) Section 101 of the Principal Act (inserted by section 11 of the Act of 1994) is hereby amended by—

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

“(b) if the survivor’s spouse was entitled to an old age (contributory) pension or a retirement pension which included an increase in respect of him by virtue of section 87 (1) or section 91 (1) in respect of a period ending on the spouse’s death, or”, 20

and 25

(b) the insertion after subsection (4) of the following subsection:

“(5) For the purposes of subsection (4), a reference to a widow shall include a reference to a woman who would otherwise be a widow but for the fact that the woman’s marriage has been dissolved, being a dissolution that is recognised as valid in the State.”. 30

Deserted wife’s benefit.

4.—Section 110 of the Principal Act is hereby amended by—

(a) the insertion after subsection (2) of the following subsections: 35

“(2A) Subject to this Chapter, a woman who has been deserted by her husband shall, for the purposes of this Chapter, continue to be regarded as a deserted wife where her marriage has been dissolved, being a dissolution that is recognised as valid in the State. 40

(2B) A deserted wife’s benefit shall, subject to this Chapter, continue to be payable to a woman unless she remarries and in such a case the benefit shall cease as and from her remarriage.”.

and 45

(b) the insertion in subsection (4) before the definition of "relevant time" of the following definition:

5 "husband" in relation to a woman who has been married more than once, refers only to her last husband and for this purpose husband shall be construed as including the man to whom, but for the fact that the marriage has been dissolved, being a dissolution that is recognised as valid in the State, she would be married;"

10 5.—(1) Section 142 (1) of the Principal Act is hereby amended by— Widow's (non-contributory) pension.

(a) the substitution for the definition of "husband" of the following definition:

15 "husband" in relation to a woman who has been married more than once, refers only to her last husband, and for this purpose husband shall be construed as including the man to whom, but for the fact that the marriage has been dissolved, being a dissolution that is recognised as valid in the State, she would be married;"

and

20 (b) the insertion after the definition of "weekly means" of the following definition:

25 "widow" means a widow or a woman who would otherwise be a widow but for the fact that her marriage has been dissolved, being a dissolution that is recognised as valid in the State."

(2) Section 143 is hereby amended by the substitution for subsection (2) of the following subsection:

30 "(2) Subject to this Chapter, a woman who becomes a widow while she is in receipt of or entitled to deserted wife's allowance shall, on becoming a widow, be entitled to widow's (non-contributory) pension at the same rate as that of the deserted wife's allowance payable to her."

6.—Section 152 of the Principal Act is hereby amended by the insertion after subsection (2) of the following subsections: Deserted wife's allowance.

35 "(3) Subject to this Chapter, a woman who has been deserted by her husband shall, for the purposes of this Chapter, continue to be regarded as a deserted wife where her marriage has been dissolved, being a dissolution that is recognised as valid in the State.

40 (4) A deserted wife's allowance shall not be payable to a woman for any period after her remarriage.

45 (5) For the purposes of this Chapter, "husband" in relation to a woman who has been married more than once, refers only to her last husband and for this purpose husband shall be construed as including the man to whom, but for the fact that the marriage has been dissolved, being a dissolution that is recognised as valid in the State, she would be married."

Prisoner's wife's allowance.

7.—Section 155 of the Principal Act is hereby amended by the insertion after subsection (3) of the following subsections:

“(4) A prisoner's wife's allowance shall not be payable to a woman for any period after her remarriage.

(5) Subject to this Chapter, a woman whose husband, being a prisoner, has been committed in custody to a prison or place of detention for a period of not less than 6 months, shall, for the purposes of this Chapter, continue to be regarded as a prisoner's wife where her marriage has been dissolved, being a dissolution that is recognised as valid in the State.

(6) For the purposes of this Chapter, ‘husband’ in relation to a woman who has been married more than once, refers only to her last husband and for this purpose husband shall be construed as including the man to whom, but for the fact that the marriage has been dissolved, being a dissolution that is recognised as valid in the State, she would be married.”.

Lone parent's allowance.

8.—Section 157 of the Principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) a reference to a lone parent shall include a reference to a person who would otherwise be a lone parent but for the fact that the person's marriage has been dissolved, being a dissolution that is recognised as valid in the State.”.

Family income supplement.

9.—Section 197 of the Principal Act is hereby amended by—

(a) the deletion of the definition of “couple”,

(b) the substitution for paragraph (b) of the definition of “family” of the following paragraph:

“(b) where such person is living with or wholly or mainly maintaining his or her spouse, that spouse, and”,

and

(c) the substitution for the definition of “spouse” of the following definition:

“‘spouse’ includes—

(a) a party to a marriage that has been dissolved, being a dissolution that is recognised as valid in the State, or

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

Increase for an adult dependant (or a spouse in the case of old age (non-contributory) pension).

10.—(1) Section 3 of the Principal Act is hereby amended by the substitution for subsection (13) of the following subsection:

“(13) 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 section 2 (2) and regulations made thereunder shall be construed as including:

5 (a) a party to a marriage that has been dissolved, being a dissolution that is recognised as valid in the State, or

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

(2) Section 132 of the Principal Act is hereby amended by the substitution for the definition of “spouse” of the following definition:

10 “‘spouse’, subject to section 3 (12), includes—

(a) a party to a marriage that has been dissolved, being a dissolution that is recognised as valid in the State, or

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

(3) Section 3 (1) of the Principal Act is hereby amended by the insertion after paragraph (e) of the following paragraph:

20 “(f) regulations may provide for determining the circumstances in which a person is or is not to be regarded to be wholly or mainly maintaining another person.”.

(4) Each provision of the Principal Act mentioned in *column (1)* of the *Schedule* 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)*.

25 11.—(1) This Act may be cited as the Social Welfare (No. 2) Act, 1995. Short title, construction and commencement.

(2) The Social Welfare Acts and this Act shall be construed together as one.

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

SCHEDULE

Section 10.

Provision of Principal Act amended (1)	Nature of Amendment (2)
35 Sections 34 (1), 45 (1), 55 (1), 87 (1), 91 (1), 99 (1), 121 (1), 128 (1) (a) and 137 (a).	The insertion after “subject to the restriction that” of “, except where regulations otherwise provide,”.

BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna
Leasa Shóisialaigh.

BILL

(*as initiated*)

entitled

An Act to amend and extend the Social Welfare
Acts.

*An tAire Leasa Shóisialaigh a thólaic,
24 Bealtaine, 1995*

*Presented by the Minister for Social Welfare,
24th May, 1995*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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