



## **AN BILLE LEASA SHÓISIALAIGH (UIMH. 2), 1995**

### **SOCIAL WELFARE (NO. 2) BILL, 1995**

#### **EXPLANATORY MEMORANDUM**

##### *Introduction*

The Bill provides for the necessary changes in the Social Welfare Code so as to ensure that no spouse will be disadvantaged in terms of his or her social welfare entitlements as a result of his or her legal status being changed from married, separated or deserted to divorced.

The Bill extends entitlement to Survivor's Pension to divorced persons on the death of their former spouse, provided that they have not remarried or are not cohabiting with someone as husband and wife. Consequently, on the death of an insured person who was married more than once, their spouse and former spouse may qualify for Survivor's Pension on either their own insurance record or that of the deceased. The Bill also provides that a divorced woman who fails to qualify for Survivor's Pension on the death of her former husband may qualify for Widow's (Non-Contributory) Pension.

Under existing provisions, the widow or widower of a person who dies as a result of an occupational accident or disease may qualify for Death Benefit (for widows and widowers) under the Occupational Injuries Benefits scheme. The Bill extends these entitlements to divorced persons.

The Bill provides that a deserted wife who becomes divorced may continue to be regarded as deserted for the purposes of the Deserted Wife's Benefit and Allowance schemes. It also provides for continued entitlement to Prisoner's Wife's Allowance where the recipient becomes divorced and entitles a divorced woman whose former husband is imprisoned to this allowance. It also extends the definition of lone parent for the purposes of Lone Parent's Allowance to include a divorced parent and extends the definition of a family for the purposes of the Family Income Supplement to include a former spouse where he or she is being wholly or mainly maintained by the claimant. It also extends the definition of an adult dependant to include a divorced person and provides for regulatory powers under which a person may receive more than one increase in respect of an adult dependant.

*Section 1* provides for the definitions necessary for the purposes of the Bill.

*Section 2* enables a divorced person whose former spouse dies as a result of an occupational accident or disease qualify for Death Benefit (for widows and widowers) under the Occupational Injuries Benefits scheme. This section also provides that a widower shall not

be entitled to pension for any period after his remarriage and that a widower shall be disqualified from receiving a pension while he is cohabiting with someone as husband and wife. Similar provisions already apply in the case of a widow.

*Section 3* entitles a divorced person to Survivor's Pension on the death of their former spouse, provided they have not remarried or are not cohabiting with someone as husband and wife. Under existing provisions, it is not necessary for a widow or widower to satisfy the contribution conditions for entitlement to Survivor's Pension if their deceased spouse was entitled to an Old Age (Contributory) Pension or Retirement Pension which included an increase in respect of an adult dependant. Similarly, a woman in receipt of Deserted Wife's Benefit is not required to satisfy the contribution conditions for Survivor's Pension on the death of her husband. *Section 3* extends these provisions to divorced persons.

*Section 4* provides that a deserted wife who becomes divorced may continue to be regarded as a deserted wife for the purposes of the Deserted Wife's Benefit scheme.

*Section 5* entitles a divorced woman to Widow's (Non-Contributory) Pension on the death of her former husband, provided that she has not remarried or is not cohabiting with someone as husband and wife. This section also provides that a divorced woman in receipt of Deserted Wife's Allowance shall, on the death of her former husband, be entitled to Widow's (Non-Contributory) Pension at the same rate as that of the Deserted Wife's Allowance payable to her.

*Section 6* provides that a deserted wife who becomes divorced may continue to be regarded as a deserted wife for the purposes of the Deserted Wife's Allowance scheme.

*Section 7* provides that a woman in receipt of Prisoner's Wife's Allowance who becomes divorced may continue to be regarded as a prisoner's wife for the purposes of this scheme. This section also enables a divorced woman whose former husband is imprisoned qualify for Prisoner's Wife's Allowance.

*Section 8* extends the definition of a lone parent for the purposes of Lone Parent's Allowance to include a divorced parent.

*Section 9* extends the definition of a family for the purposes of the Family Income Supplement scheme to include a former spouse where he or she is being wholly or mainly maintained by the claimant, thereby enabling a divorced person who is maintaining his or her former spouse qualify for Family Income Supplement.

*Section 10* extends the definition of an adult dependant to include a divorced person and it also extends the definition of a spouse in the Old Age (Non-Contributory) Pension scheme which is used to determine entitlement to an increase for a spouse. This section also provides for regulatory powers under which a person may receive more than one increase in respect of an adult dependant and for determining the circumstances in which a person is or is not to be regarded as wholly or mainly maintaining another person.

*Section 11* contains the usual provisions for the short title and construction of the Bill. This section also provides that the provisions of the Bill will be brought into force by way of a Commencement Order.

*An Roinn Leasa Shóisialaigh,  
Bealtaine, 1995.*

Section 1 contains the main provisions for the new provisions of the Bill. The section also provides that the provisions of the Bill will be brought into force by way of a Commencement Order.

Section 2 entitles a divorced person (including a woman) on the death of their former spouse, provided they have not remarried or are not cohabiting with someone as husband and wife. Under existing provisions, it is not necessary for a widow or widower to satisfy the contribution conditions for entitlement to Survivor's Pension if their deceased spouse was entitled to an Old Age (Contributory) Pension or Retirement Pension which included an increase in respect of an adult dependant. Similarly, a woman in receipt of Deserted Wife's Benefit is not required to satisfy the contribution conditions for Survivor's Pension on the death of her husband. Section 2 extends these provisions to divorced persons.

Section 3 provides that a deserted wife who becomes divorced may continue to be regarded as a deserted wife for the purposes of the Deserted Wife's Benefit scheme.

Section 4 entitles a deserted woman to Widow's (Non-Contributory) Pension on the death of her former husband, provided that she has not remarried or is not cohabiting with someone as husband and wife. This section also provides that a divorced woman in receipt of Deserted Wife's Allowance shall, on the death of her former husband, be entitled to Widow's (Non-Contributory) Pension at the same rate as that of the Deserted Wife's Allowance payable to her.

Section 5 provides that a deserted wife who becomes divorced may continue to be regarded as a deserted wife for the purposes of the Deserted Wife's Allowance scheme.

Section 6 provides that a woman in receipt of Prisoner's Wife's Allowance who becomes divorced may continue to be regarded as a prisoner's wife for the purposes of this scheme. This section also enables a divorced woman whose former husband is imprisoned weekly for Prisoner's Wife's Allowance.

Section 7 extends the definition of a lone parent for the purposes of Lone Parent's Allowance to include a divorced parent.

Section 8 extends the definition of a family for the purposes of the Family Income Supplement scheme to include a former spouse where he or she is being wholly or mainly maintained by the claimant, thereby enabling a divorced person who is maintaining his or her former spouse qualify for Family Income Supplement.

Section 9 extends the definition of an adult dependant to include a divorced person and it also extends the definition of a spouse in the Old Age (Non-Contributory) Pension scheme which is used to determine entitlement to an increase for a spouse. This section also provides for regulatory powers under which a person may receive more than one increase in respect of an adult dependant and for determining the circumstances in which a person is or is not to be regarded as wholly or mainly in receipt of maintenance.

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