



# **DÁIL ÉIREANN**

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## **AN BILLE COMHDHLÚITE LEASA SHÓISIALAIGH 2005 SOCIAL WELFARE CONSOLIDATION BILL 2005**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE COMHDHLÚITE LEASA SHÓISIALAIGH 2005 —COMHCHOISTE

### SOCIAL WELFARE CONSOLIDATION BILL 2005 —JOINT COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 2

1. In page 27, subsection (1), line 13, to delete “either”.  
—An tAire Gnothaí Sóisialacha agus Teaghlaigh.
2. In page 27, subsection (1), lines 14 and 15, to delete all words from and including “the” in line 14 down to and including “Overseas” in line 15 and substitute “Development Co-Operation Ireland”.  
—Willie Penrose.

#### *Amendment to Amendment No. 2*

To delete “Development Co-operation Ireland” and substitute “the Department of Foreign Affairs”.

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

3. In page 30, subsection (3), line 3, to delete “for the purposes of this paragraph” and substitute “satisfies one of the following conditions”.  
—An tAire Gnothaí Sóisialacha agus Teaghlaigh.
4. In page 30, subsection (6)(c), lines 36 to 42, to delete all words from and including “subsection—” in line 36 down to and including “pension” in line 42 and substitute the following:  
  
“subsection, ‘institution of education’ has the meaning given to it by *section 148(2)*”.  
—An tAire Gnothaí Sóisialacha agus Teaghlaigh.
5. In page 31, subsection (7)(b)(ii), line 12, after “dissolution” to insert “in or”.  
—Willie Penrose.

[ SECTION 7 ]

SECTION 7

6. In page 37, subsection (4)(b), lines 3 and 4, to delete all words from and including “and” in line 3 down to and including “determine” in line 4 and substitute the following:

“and (g),

in the manner and at the times the Minister may determine”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

SECTION 13

7. In page 42, subsection (11), line 12, to delete “such” and substitute “any”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

SECTION 35

8. In page 55, subsection (2)(b), line 12, after “on” to insert “his or her”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

SECTION 47

9. In page 64, subsection (5)(c)(ii)(II), lines 29 to 31, to delete all words from and including “confinement:” in line 29 down to and including “day” in line 31 and substitute the following:

“confinement,

but if the beneficiary dies, the benefit shall not be payable for any subsequent day”.

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

SECTION 58

10. In page 71, subsection (4)(b)(ii), lines 11 to 13, to delete all words from and including “death,” in line 11 down to and including “day” in line 13 and substitute the following:

“death,

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

—An tAire Gnóthaí Sóisialacha agus Teaghlaigh.

SECTION 82

11. In page 92, lines 25 to 30, to delete subsections (7) and (8), and substitute the following:

[ SECTION 82 ]

“(7) *Section 81(3) and (4)* apply to a pension under this section.”.

—Willie Penrose.

SECTION 109

12. In page 107, *subsection (3)(e)*, lines 48 and 49, to delete all words from and including “this” in line 48 down to and including “1952” in line 49 and substitute the following:

“the National Health Insurance Acts 1911 to 1952 or Acts replacing those Acts including this Act”.

—Willie Penrose.

SECTION 119

13. In page 117, *subsection (3)(b)*, lines 11 to 13, to delete all words from and including “312 days,” in line 11 down to and including “260” in line 13 and substitute the following:

“312 days,

*subsection (1)(a)* shall be read as if ‘156’ were substituted for ‘260’ ”.

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

14. In page 117, *subsection (4)(b)*, lines 21 and 22, to delete all words from and including “312 days,” in line 21 down to and including “260” in line 22 and substitute the following:

“312 days,

*subsection (1)(a)* shall be read as if ‘208’ were substituted for ‘260’ ”.

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

SECTION 152

*Section proposed to be deleted.*

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

SECTION 179

15. In page 146, before section 179, but in Chapter 7, to insert the following new section:

“Transitional provisions—  
relevant payments.

179.—(1) In this section—

‘Act of 1993’ means the Social Welfare (Consolidation) Act 1993;

‘Act of 1996’ means the Social Welfare Act 1996;

[ SECTION 179 ]

‘relevant payment’ means—

- (a) deserted wife’s benefit under Chapter 18 of Part II of the Act of 1993,
- (b) deserted wife’s allowance under Chapter 7 of Part III of the Act of 1993,  
or
- (c) prisoner’s wife’s allowance under Chapter 8 of Part III of the Act of 1993,

as the case may require.

(2) Notwithstanding the provisions of Part V (relating to one-parent family payment) of the Act of 1996, a woman who, immediately before the commencement of section 19 of that Act, is in receipt of a relevant payment, the said relevant payment shall be payable for the duration of the woman’s continuous entitlement to the relevant payment in accordance with the provisions of the Act of 1993 and regulations made under the Act of 1993.

(3) Where, immediately before the commencement of section 19 (relating to repeals) of the Act of 1996, a woman whose claim for a relevant payment has not been finally determined, and who would, but for the commencement of the said section, have become entitled to the said relevant payment, the relevant payment shall be payable for the duration of the woman’s continuous entitlement to the relevant payment in accordance with the provisions of the Act of 1993 and regulations made under the Act of 1993.

(4) Notwithstanding the provisions of Part V of the Act of 1996, where a woman has ceased or ceases to be entitled to benefit under Chapter 18 of Part II of the Act of 1993 by virtue of no longer having at least one qualified child residing with her, she shall, on reaching the age of 40 years, where but for the said Part V she would be entitled to the said benefit, again become and continue to be entitled to the said benefit, for the duration of her continuous entitlement thereto, in accordance with the provisions of the Act of 1993 and regulations made under the Act of 1993.

(5) In the case of a person to whom *subsection (2), (3) or (4)* applies and who is disqualified for receipt of a relevant payment by virtue of *section 251(1)(a) or (14)*, where but for that disqualification she would be entitled to the said relevant payment, she shall again become entitled to the said relevant payment at the expiration of the disqualification in any case where the period of disqualification does not exceed 12 months.

(6) Notwithstanding the provisions of Part V of the Act of 1996, in the case of a woman who—

- (a) was in receipt of deserted wife’s allowance under Chapter 5 of Part III of the Social Welfare (Consolidation) Act 1981 and transferred from that scheme to the lone parent’s allowance scheme under Chapter 5A (inserted by section 12 of the Social Welfare Act 1990) of Part III of the said Act following the commencement of that Chapter in 1990, and
- (b) ceases or has ceased to be entitled to one-parent family payment under Chapter 9 of Part III of the Act of 1993 by virtue of no longer having at least one qualified child residing with her,

she shall, where but for Part V of the Act of 1996 she would be entitled to a relevant payment under *subsection (1)(b)*, become and continue to be entitled to the said payment, for the duration of her continuous entitlement thereto, in accordance with the Act of 1993 and regulations made under the Act of 1993.”.

[ SECTION 179 ]

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

#### SECTION 195

**16.** In page 153, paragraph (a), line 26, before “is” to insert the following:

“being a person referred to in *section 141(4)(a)* and (b).”

—Willie Penrose.

**17.** In page 153, paragraph (b), line 28, before “satisfies” to insert the following:

“being a person referred to in *section 141(4)(a)* and (b).”

—Willie Penrose.

#### SECTION 203

**18.** In page 157, paragraph (b), lines 30 to 33, to delete all words from and including “thereof” in line 30 down to and including “allowance” in line 33 and substitute the following:

“thereof, had been paid during that period,

the excess supplementary welfare allowance shall be treated as payment on account of that allowance”.

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

#### SECTION 205

**19.** In page 158, paragraph (c), lines 19 to 21, to delete all words from and including “Executive,” in line 19 down to and including “payment” in line 21 and substitute the following:

“Executive,

the Executive or deciding officer may request that competent institution to deduct the amount of the excess from the relevant payment”.

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

#### SECTION 206

**20.** In page 158, subsection (1), line 22, to delete “may” and substitute the following:

“shall, unless it is satisfied that other arrangements for burial will be made.”

—Willie Penrose.

[ SECTION 209 ]

SECTION 209

*Section proposed to be deleted.*

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

SECTION 210

*Section proposed to be deleted.*

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

21. In page 160, lines 3 to 8, to delete subsection (1).

—Willie Penrose.

SECTION 251

22. In page 182, subsection (1)(b), line 5, to delete “penal servitude,”.

—Willie Penrose.

23. In page 182, subsection (2)(b), line 13, to delete “penal servitude,”.

—Willie Penrose.

24. In page 182, subsection (6)(b), line 33, to delete “penal servitude,”.

—Willie Penrose.

SECTION 254

25. In page 190, subsection (5), line 6, after “*subsection (1)(d)*” to insert “or (e)”.

—Willie Penrose.

26. In page 190, subsection (6), line 14, after “*subsection (1)(d)*” to insert “or (e)”.

—Willie Penrose.

SECTION 286

27. In page 205, line 27, to delete “by way of benefit” and substitute “under this Act”.

—Willie Penrose.

SECTION 326

28. In page 217, subsection (1)(a), line 24, after “*section 325*,” to insert “of entitlement”.



[ SECTION 326 ]

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

## SECTION 362

**29.** In page 237, subsection (2), line 27, to delete “1937” and substitute “2005”.

—Willie Penrose.

## SCHEDULE 7

**30.** In page 275, lines 48 to 52, column 3, to delete all words from and including “sections 1(1)” in line 48 down to and including “XI” in line 52 and substitute the following:

“sections 1(1) and 2 (insofar as it relates to the definition of ‘the Act of 1995’) and Parts X and XI”.

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

**31.** In page 276, lines 8 to 12, column 3, to delete all words from and including “sections 1(1)” in line 8 down to and including “VIII” in line 12 and substitute the following:

“sections 1(1) and 2 (insofar as it relates to the definition of ‘the Act of 1998’) and Parts VII and VIII”.

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.

**32.** In page 276, lines 14 to 18, column 3, to delete all words from and including “sections 1(1)” in line 14 down to and including “35)” in line 18 and substitute the following:

“sections 1(1), 2 ( insofar as it relates to the definition of ‘the Act of 1999’), 34 and 35)”.

—An tAire Gnothaí Sóisialacha agus Teaghlaigh.