



**AN BILLE LEASA SHÓISIALAIGH AGUS PINSEAN
(UIMH. 2) 2009
SOCIAL WELFARE AND PENSIONS (NO. 2) BILL 2009**

*Mar a tionscnaíodh
As initiated*

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AN BILLE LEASA SHÓISIALAIGH AGUS PINSEAN
(UIMH. 2) 2009
SOCIAL WELFARE AND PENSIONS (NO. 2) BILL 2009

BILL

5

entitled

AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE
ACTS AND TO AMEND THE PENSIONS ACT 1990.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

10

PRELIMINARY AND GENERAL

1.—(1) The Act may be cited as the Social Welfare and Pensions
(No. 2) Act 2009.

Short title,
construction,
collective citations
and
commencement.

(2) The Social Welfare Acts and this Act, other than *Part 3*, shall
be read together as one.

15 (3) The Pensions Acts 1990 to 2009 and *Part 3* may be cited
together as the Pensions Acts 1990 to 2009.

(4) *Part 3* shall come into operation on such day or days as the
Minister may appoint by order or orders either generally or with
reference to any particular purpose or provision, and different days
20 may be so appointed for different purposes or different provisions.

2.—In this Act—

Definitions.

“Act of 1990” means the Pensions Act 1990;

“Act of 2007” means the Social Welfare and Pensions Act 2007;

25 “Act of 2008” means the Social Welfare (Miscellaneous Provisions)
Act 2008;

“Act of 2009” means the Social Welfare and Pensions Act 2009;

“Minister” means the Minister for Social and Family Affairs;

“Principal Act” means the Social Welfare Consolidation Act 2005.

PART 2

AMENDMENTS TO SOCIAL WELFARE ACTS

Social insurance benefits (new rates).

3.—(1) Schedule 2 to the Principal Act (as amended by section 3(1) of the Act of 2008) is amended by substituting the Parts set out in *Schedule 1* for Parts 1 to 4 of the said Schedule 2. 5

(2) This section comes into operation—

- (a) in so far as it relates to jobseeker’s benefit, on 31 December 2009,
- (b) in so far as it relates to illness benefit, health and safety benefit, injury benefit and disablement gratuity, on 4 January 2010, 10
- (c) in so far as it relates to carer’s benefit, State pension (transition), invalidity pension and a payment referred to in paragraph (a) of the definition of “relevant payment” in section 178 of the Principal Act, on 7 January 2010, and 15
- (d) in so far as it relates to disablement pension, death benefit under section 81, 82 or 83 of the Principal Act, State pension (contributory), widow’s (contributory) pension, widower’s (contributory) pension and guardian’s payment (contributory), on 8 January 2010. 20

Social assistance payments (new rates).

4.—(1) Schedule 4 to the Principal Act (as amended by section 11 of the Act of 2009) is amended by substituting the Parts set out in *Schedule 2* for Parts 1 and 3 of the said Schedule 4.

(2) This section comes into operation—

- (a) in so far as it relates to jobseeker’s allowance, pre-retirement allowance and farm assist, on 30 December 2009, 25
- (b) in so far as it relates to supplementary welfare allowance, on 4 January 2010,
- (c) in so far as it relates to disability allowance, on 6 January 2010, 30
- (d) in so far as it relates to one-parent family payment (other than where payable in respect of a widow or widower), carer’s allowance and a payment referred to in paragraph (b) or (c) of the definition of “relevant payment” in section 178 of the Principal Act, on 7 January 2010, and 35
- (e) in so far as it relates to State pension (non-contributory), blind pension, widow’s (non-contributory) pension, widower’s (non-contributory) pension, one-parent family payment payable in respect of a widow or widower and guardian’s payment (non-contributory), on 8 January 2010. 40

Family Income Supplement (new weekly rates).

5.—(1) The following section is substituted for section 228 (as amended by section 5(1) of the Act of 2008) of the Principal Act:

“228.—Subject to this Act, an allowance (in this Act 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—

- 5 (a) in the case of a family which includes only 1 child, €506,
- (b) in the case of a family which includes 2 children, €602,
- (c) in the case of a family which includes 3 children, €703,
- (d) in the case of a family which includes 4 children, €824,
- 10 (e) in the case of a family which includes 5 children, €950,
- (f) in the case of a family which includes 6 children, €1,066,
- (g) in the case of a family which includes 7 children, €1,102, or
- 15 (h) in the case of a family which includes 8 or more children, €1,298.”.

(2) This section comes into operation on 1 January 2010.

6.—The Principal Act is amended:

Jobseeker’s
allowance —
amendments.

- 20 (a) in section 142(1) (as amended by section 6(b) of the Act of 2009) by inserting “142B,” after “142A,”
- (b) in section 142A (inserted by section 6(c) of the Act of 2009)—
 - (i) in subsection (1)(a), by substituting “22” for “20”, and
 - (ii) in subsection (4)(d), by substituting “22” for “20”,
- 25 and

(c) by inserting the following section after section 142A:

“Rates of
assistance —
ages 22 to 24
years.

142B.—(1) Notwithstanding section 142(1), in the case of a person who—

- 30 (a) has attained the age of 22 years and has not attained the age of 25 years,
- (b) is not a person referred to in section 142(1)(a)(ii) (as amended by section 20 of the Social Welfare and Pensions Act 2007), and
- 35 (c) is not entitled to an increase in respect of a qualified child,

40 the scheduled rate of jobseeker’s allowance shall be the weekly rate set out in column (2) at reference 1(d) in Part 1 of Schedule

4, (as inserted by section 4 of the *Social Welfare and Pensions (No. 2) Act 2009*) increased by the amount set out in column (3) of that Part opposite that reference for any period during which the claimant or beneficiary has a qualified adult, subject to the restriction that the claimant or beneficiary shall not be entitled for the same period to an increase of allowance under this subsection in respect of more than one person.

(2) (a) In the case of a person referred to in subsection (1), and subject to paragraph (b), jobseeker's allowance shall be payable where the weekly means of the claimant or beneficiary—

(i) are less than €1, at the scheduled rate,

(ii) are equal to €1, at the scheduled rate reduced by €1, and

(iii) exceed €1, at the scheduled rate, reduced by €1 for each amount (if any) of €1 by which those weekly means exceed €1.

(b) Where the weekly means of the claimant or beneficiary are equal to or exceed the scheduled rate, no jobseeker's allowance shall be payable.

(3) This section shall not apply in the case of a claim for jobseeker's allowance where—

(a) the period of interruption of employment commenced on or before 30 December 2009,

(b) a claimant has exhausted, immediately prior to applying for an allowance under this section, his or her entitlement to benefit payable pursuant to section 67, or

(c) a claimant was in receipt of disability allowance immediately before he or she makes the claim under this section.”.

Child benefit (new rates).

7.—(1) Schedule 4 to the Principal Act is amended by substituting the following for Part 4 (inserted by section 3 of the *Social Welfare and Pensions Act 2008*):

“PART 4

AMOUNTS OF CHILD BENEFIT

Amount for each of first 2 children	Amount for each child in excess of 2
(1)	(2)
€150.00	€187.00

5

”.

(2) This section comes into operation on 1 January 2010.

8.—(1) The Principal Act is amended by inserting the following section after section 38:

10

Limitation on return of contributions.

“Limitation on return of contributions. 38A.—(1) Subject to subsections (2) and (3), an application, pursuant to section 34, 37 or 38, for the return of contributions shall be made—

15

(a) within 4 years of the last day of the contribution year in respect of which the contributions concerned were paid, and

20

(b) in such manner as the Minister or the Collector General, as appropriate, may from time to time determine.

(2) Subsection (1) shall not apply where—

25

(a) an application for the return of contributions was made on or before 31 December 2009, or

30

(b) the return of contributions is pursuant to a decision of a deciding officer or, where such decision is appealed, an appeals officer—

(i) on a question referred to in subparagraph (iv), (v), (vi), (x), (xi) or (xii) of section 300(2)(a), and

(ii) the request for such decision was received by the Minister on or before 31 December 2009.

35

(3) A return of contributions may be subject to all or any of the following:

40

(a) a deduction of the amount of any contributions which—

(i) were paid at an incorrect rate in respect of an insured person, and

(ii) were treated, under Article 71(1) of the Social Welfare (Consolidated Contributions and Insurability) Regulations (S.I. 312 of 1996), as

paid on account of contributions properly payable in respect of such person;

(b) a deduction of an amount equivalent to the amount of any benefit paid to the person by reason of contributions having been paid in error. 5

(4) Regulations may provide for the method of calculation of the amount of any contributions due to be repaid. 10

(5) In this section—

‘benefit’ has the meaning assigned to it by section 7(2);

‘contributions’ means—

(a) employment contributions, 15

(b) self-employment contributions,

(c) voluntary contributions, or

(d) optional contributions.”.

(2) This section comes into operation on 1 January 2010.

Amendment to section 110 of Principal Act.

9.—(1) Section 110 of the Principal Act is amended by substituting the following subsections for subsection (2): 20

“(2) A State pension (contributory) shall not be payable in respect of any period preceding the date on which all self-employment contributions, referred to in subsection (1)(b), payable by the person concerned have been paid. 25

(3) Where the person has paid all contributions due under subsection (1)(b) other than contributions payable in respect of the last complete contribution year before the date such person attains pension age, subsection (2) shall not apply in respect of such person. 30

(4) Subsection (2) shall not apply to a claim for State pension (contributory) made on or before 31 December 2009.”.

(2) This section comes into operation on 1 January 2010.

Amendment to section 128 of Principal Act.

10.—(1) Section 128 of the Principal Act is amended by substituting the following subsections for subsection (2): 35

“(2) A pension shall not be payable in respect of any period preceding the date on which all self-employment contributions, referred to in subsection (1)(b), payable by the person concerned have been paid.

(3) Where the person has paid all contributions due under subsection (1)(b) other than contributions payable in respect of the last complete contribution year before the relevant time, subsection (2) shall not apply in respect of such person. 40

(4) Subsection (2) shall not apply to a claim for pension made on or before 31 December 2009.”.

(2) This section comes into operation on 1 January 2010.

5 **11.**—(1) Section 138 of the Principal Act is amended by substituting the following subsection for subsection (2): Amendment to section 138 of Principal Act.

“(2) The regulations, for the purposes of this section, may specify the payment of the whole or any part of the cost of any of the following:

- (a) the carrying out of a dental examination;
- 10 (b) the carrying out of an optical examination;
- (c) appliances provided under the scheme commonly known as the Medical Appliances Scheme.”.

15 (2) The amendment effected by *subsection (1)* shall not apply to any treatment or benefit approved on or before 31 December 2009 pursuant to and in accordance with section 138 and regulations made under it.

(3) This section comes into operation on 1 January 2010.

12.—Section 187 (as amended by section 14 of the Act of 2008) of the Principal Act is amended by— Supplementary welfare allowance — amendments.

20 (a) inserting the following definition:

“ ‘institution’ means—

- 25 (a) a hospital, convalescent home or home for persons suffering from physical or mental disability or accommodation ancillary to such hospital or home,
- (b) any premises providing residence, maintenance or care for the persons therein,
- (c) a prison or place of detention, or
- (d) a prescribed institution;”

30 and

(b) substituting the following definition for the definition of “mortgage interest”:

35 “ ‘mortgage interest’ means the proportion of any amount payable by a person to a mortgage lender which is for the time being attributable to interest payable under an agreement entered into by that person with the mortgage lender for the purpose of defraying money employed in the purchase, repair or essential improvement of the sole or main residence of that person or to pay off another loan used
40 for that purpose but does not include—

(a) interest payable in relation to such agreement by virtue of a delay or default in making a repayment under that agreement, or

(b) the aggregate of—

(i) any relief for interest due to the person under section 244 (as amended by section 3 of the Finance Act 2009) of the Act of 1997, and 5

(ii) any mortgage allowance or mortgage subsidy attributable to interest which may be payable by a local authority on behalf of the person under the Housing Acts 1963 to 2009.”. 10

Amendment to section 197 of Principal Act.

13.—Section 197 (as amended by section 7 of the Act of 2009) of the Principal Act is amended— 15

(a) in subsection (2), by substituting “22” for “20”,

(b) in subsection (3)(b), by substituting “22” for “20”, and

(c) by inserting the following subsections after subsection (3):

“(4) Notwithstanding subsection (1), in the case of a person who has attained the age of 22 years but has not attained the age of 25 years and who has no means as determined by this Chapter, and is not entitled to an increase in respect of a qualified child, subject to any payment under section 198, the weekly amount of supplementary welfare allowance payable shall be as set out in column (2) at reference 10(c) (inserted by section 4 of the *Social Welfare and Pensions (No. 2) Act 2009*) of Part 1 of Schedule 4 increased by the amount set out in column (3) of that Part for any period during which the beneficiary has a qualified adult subject to the restriction that the claimant or beneficiary shall not be entitled for the same period to an increase of allowance under this subsection in respect of more than one person. 20 25 30

(5) Subsection (4) shall not apply in the case of a claim for supplementary welfare allowance where the claimant has been in continuous receipt of the allowance from a date on or before 30 December 2009.”. 35

Weekly or monthly supplements — amendment.

14.—Section 198 of the Principal Act is amended by substituting the following subsection for subsection (3F) (inserted by section 7 of the Act of 2009)— 40

“(3F) A person shall not be entitled to a payment referred to in subsection (3) unless, on the making of the application, the Executive is satisfied that the person is a *bona fide* tenant, and has been—

(a) assessed by a housing authority pursuant to section 9 of the Housing Act 1988 (as amended by section 75 of the Health Act 2004) as having a housing need, 45

(b) residing, for the period that is prescribed, in rented accommodation in respect of which—

5 (i) there was at the commencement of the tenancy, an expectation that, in so far as was reasonable in all the circumstances, the person could pay the rent into the future, and

(ii) the person was in a position to pay the rent at the commencement of the tenancy,

10 and subsequent to the commencement of the tenancy the person has experienced a substantial change in his or her circumstances and is unable to pay the rent and such change in circumstances has not been caused by that person,

15 (c) residing, for the period that is prescribed, in accommodation for homeless persons as provided under section 10 of the Housing Act 1988, or

(d) residing, for the period that is prescribed, in an institution.”.

20 **15.**—Section 250 (as amended by sections 29 and 37 of the Social Welfare Law Reform and Pensions Act 2006) of the Principal Act is amended by substituting the following subsections for subsection (16): Social welfare inspectors — amendment.

“(16) For the purpose of ensuring compliance with this Act, a social welfare inspector may—

25 (a) if accompanied by—

(i) a member of the Garda Síochána in uniform, or

(ii) an officer of Customs and Excise in uniform,

and

30 (b) on production of his or her certificate of appointment,

stop any vehicle and, for such purpose, may—

(i) question and make enquiries of any person in the vehicle or in the vicinity of the vehicle, and

35 (ii) require such person, where the social welfare inspector reasonably suspects that the vehicle is being used in the course of employment or self-employment, to give to the social welfare inspector any record relating to the employment or self-employment of such person which such person has possession of in the vehicle.

40 (17) In this section ‘officer of Customs and Excise’ has the meaning assigned to it by the Customs Act 1956.”.

16.—The Principal Act is amended by inserting the following sections after section 250:

“Information
to be furnished
by financial
institutions.

250A.—(1) In this section—

‘authorised officer’ means an officer appointed by the Minister under section 250B to exercise the powers conferred on him or her by and under this section; 5

‘books, records or other documents’ includes—

(a) any records used in the business of a financial institution, or used in the transfer department of a financial institution acting as registrar of securities, whether— 10

(i) comprised in bound volume, loose-leaf binders or other loose-leaf filing system, loose-leaf ledger sheets, pages, folios or cards, or 15

(ii) kept on microfilm, magnetic tape or in any non-legible form (by the use of electronics or otherwise) which is capable of being reproduced in a legible form, 20

(b) every electronic or other automatic means, if any, by which any such thing in non-legible form is capable of being reproduced, 25

(c) documents in manuscript, documents which are typed, printed, stencilled or created by any other mechanical or partly mechanical process in use from time to time and documents which are produced by any photographic or photostatic process, and 30

(d) correspondence and records of other communications between a financial institution and its customers; 35

‘financial institution’ means—

(a) a person who holds or has held a licence under section 9 of the Central Bank Act 1971, or a person who holds or has held a licence or other similar authorisation under the law of any other Member State which corresponds to a licence granted under that section, 40

(b) a person referred to in section 7(4) of the Central Bank Act 1971, or 45

(c) a credit institution (within the meaning of the European Communities (Licensing and Supervision of Credit Institutions) Regulations 1992 (S.I. No. 50 50

395 of 1992)) which has been authorised by the Central Bank and Financial Services Authority of Ireland to carry on business of a credit institution in accordance with the provisions of the supervisory enactments (within the meaning of those Regulations).

(2) Notwithstanding any obligation as to secrecy or other restriction upon disclosure of information imposed by or under statute or otherwise, and subject to this section, an authorised officer, for the purpose of ensuring compliance with this Act, who has reasonable grounds to believe that there has been a contravention of this Act by a claimant or beneficiary may serve on a financial institution a notice in writing requiring the financial institution, within such period as may be specified in the notice, not being less than 30 days from the date of the service of the notice to do either or both of the following:

(a) to make available for inspection by the authorised officer such books, records, or other documents specified in the notice as are in the power, possession or procurement of the financial institution and as contain, or may, in the opinion of the authorised officer formed on reasonable grounds, contain information relevant to such contravention;

(b) to furnish to the authorised officer, in writing or otherwise, such information, explanations and particulars specified in the notice as the authorised officer may reasonably require, being information, explanations and particulars that are relevant to such contravention.

(3) Where, in compliance with the requirements of a notice under subsection (2), a financial institution makes available for inspection by an authorised officer, books, records or other documents, it shall afford the authorised officer reasonable assistance, including information, explanations and particulars, in relation to the use of all the electronic or other automatic means, if any, by which the books, records or other documents, in so far as they are in a non-legible form, are capable of being reproduced in a legible form and any data equipment or any associated apparatus or material.

(4) An authorised officer shall not serve a notice on a financial institution under subsection (2)—

(a) without the consent in writing of a person designated by the Minister under this section, and

(b) without having reasonable grounds to believe that the financial institution is likely to have information relevant to the claimant or beneficiary concerned and the contravention referred to in subsection (2). 5

(5) A notice served under subsection (2) shall name the claimant or beneficiary in respect of whom the authorised officer is enquiring.

(6) Where an authorised officer serves a notice under subsection (2), the authorised officer shall give the claimant or beneficiary concerned a copy of the notice. 10

(7) Where, in compliance with a notice served under subsection (2), a financial institution makes books, records or other documents available for inspection by an authorised officer, the authorised officer may make extracts from or copies of all or any part of the books, records or other documents. 15

(8) The Minister may designate in writing such and so many officers of the Minister as the Minister considers appropriate to consent to the service of a notice under this section. 20

(9) Where a notice—

(a) is to be served on a financial institution under this section it may be served— 25

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

(ii) by leaving it at or sending it by post to any place in the State at which the body corporate conducts its business, or 30

(iii) by sending it by post to any person who is a director, manager, secretary or other officer of the financial institution or is purporting to act in any such capacity, at the place where that person resides, 35

and 40

(b) is to be given to a claimant or beneficiary it shall be addressed to the person concerned by name and may be sent or given—

(i) by delivering it to the person, 45

(ii) by leaving it at the address at which the person ordinarily resides or, in a case where an address for service has been furnished, at that address, or 50

(iii) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case where an address for service has been furnished, to that address.

(10) A person who fails or refuses to comply with a notice under subsection (2) shall be guilty of an offence and shall be liable—

(a) on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €20,000 or imprisonment for a term not exceeding 2 years or both.

Authorised officers.

250B.—(1) The Minister may appoint such and so many officers of the Minister as the Minister considers appropriate to be authorised officers for the purposes of section 250A.

(2) An authorised officer appointed under this section shall be furnished with a certificate of his or her appointment by the Minister.

(3) When exercising a power conferred on him or her by this section, an authorised officer shall, if requested by a person thereby affected, produce the certificate of his or her appointment to that person.

(4) An appointment under this section shall cease when—

(a) the Minister revokes the appointment,

(b) the person ceases to be an officer of the Minister, or

(c) if it is made for a fixed period, on the expiry of that period.”.

17.—Section 261 of the Principal Act is amended by inserting the following subsection after subsection (2):

Exchange of information — amendment.

“(2A) Information held by the Minister for the purpose of this Act or the control of schemes administered by or on behalf of the Minister or the Department of Social and Family Affairs may be transferred by the Minister to—

(a) the competent authority of a Member State other than the State, or

(b) an international organisation, any other state or government or the proper authority under any other government in respect of which an order has been made under section 287.”.

18.—Schedule 3 to the Principal Act is amended—

(a) in Part 1 by inserting the following definitions:

“ ‘incentive payment’ means an incentive payment made under the special incentive career break scheme;

‘special incentive career break scheme’ means the scheme commonly known by that name announced on the direction of the Minister for Finance on 30 April 2009 entitling civil servants of a certain class to apply for not less than 3 years special leave without pay and an incentive payment;”

(b) in Part 2 by inserting the following Rule after Rule 1:

“1A. In the calculation of the means of a person for the purposes of Chapters 2, 3, 10 and 11 of Part 3, notwithstanding any exclusion under Rule 1(2)(b), account shall be taken of any incentive payments made to a person or the spouse of such person under the special incentive career break scheme and without prejudice to the generality of the foregoing—

(a) the exclusion under Rule 1(2)(b)(iv)(II) of moneys earned by the person or his or her spouse shall not apply to any incentive payment made to the person or his or her spouse under such scheme, and

(b) the exclusion under Rule 1(2)(b)(vi) of moneys earned by the spouse concerned shall not apply to any incentive payment made to such spouse under such scheme.”

(c) in Part 4 (as amended by section 24 of the Social Welfare and Pensions Act 2008) by inserting the following Rule after Rule 2:

“2A. (1) In the calculation of the weekly means of a person for supplementary welfare allowance, notwithstanding any exclusion under Rule 1(2)(b), account shall be taken of any incentive payment made to a person or the spouse of such person under the special incentive career break scheme.

(2) Without prejudice to the generality of paragraph (1), for the purposes of Rule 2, additional income does not include income arising from any incentive payment under such scheme which is made to a person referred to in Rule 1(2)(b)(v).”

(d) in Part 5 by inserting the following Rule after Rule 6:

“6A. (1) In the calculation of the means of a person, notwithstanding any exclusion under Rule 1(2)(b), account shall be taken of any incentive payment made to a person or the spouse of a person under the special incentive career break scheme.

5 (2) Without prejudice to the generality of paragraph (1), for the purposes of Rule 1(2)(b)(viii), the exclusion for one-parent family payment, of any moneys received by way of earnings referred to in that Rule shall not apply to any incentive payment made to a person under the special incentive career break scheme.”.

19.—Schedule 5 (as amended by section 32 of the Act of 2007) to the Principal Act is amended in paragraph 1.(4)— Schedule 5 — amendment.

10 (a) by inserting “Health and Social Care Professionals Council,” after “Enterprise Ireland,” and

(b) by inserting “the Road Safety Authority,” after “the Private Security Authority,”.

PART 3

AMENDMENT TO ACT OF 1990

15 20.—(1) Section 141(1) (inserted by section 5 of the Pensions (Amendment) Act 2002) of the Act of 1990 is amended in paragraph (a)(ii) by substituting “the Pensions Ombudsman” for “the Minister”. Amendment to Act of 1990.

20 (2) Where immediately before the commencement of *subsection (1)* any legal proceedings under section 141(1) of the Act of 1990 to which the Minister is a party are pending, the name of the Pensions Ombudsman shall be substituted in the proceedings for the name of the Minister and the proceedings shall not abate by reason of such substitution.

SCHEDULE 1

“PART 1

RATES OF PERIODICAL BENEFITS AND INCREASES

Description of benefit	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for pre-scribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
	€	€	€	€	€	€	€	
1. Illness Benefit, Jobseeker's Benefit, Injury Benefit and Health and Safety Benefit	196.00	130.10	29.80	—	—	—	—	20
2. Death Benefit:								25
(a) pension payable to a widow or widower (section 81)	226.50	—	29.80	143.00	7.70	10.00	12.70	
additional increase for a widow or widower (under section 81) who has attained pensionable age	8.20	—	—	—	—	—	—	30
(b) pension payable to a parent:								
(i) reduced rate	109.50	—	—	143.00	7.70	—	—	
(ii) maximum rate	226.50	—	—	143.00	7.70	—	—	
(c) pension payable to an orphan	172.80	—	—	—	—	—	—	40
3. State Pension (Contributory) and State Pension (Transition):	230.30	153.50	29.80	143.00	7.70	10.00	12.70	45
additional increase for a qualified adult who has attained pensionable age	—	52.80	—	—	—	—	—	50
4. Invalidity Pension:	201.50	143.80	29.80	143.00	7.70	10.00	12.70	
additional increase for a beneficiary who has attained the age of 65 years	28.80	—	—	—	—	—	—	55

Description of benefit	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for pre-scribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
additional increase where qualified adult has attained pensionable age	—	62.50	—	—	—	—	—
5 5. Widow's (Contributory) Pension and							
10 10. Widower's (Contributory) Pension and a payment referred to in paragraph (a) of the definition of 'relevant payment' in							
15 15. section 178:	201.50	—	29.80	143.00	7.70	10.00	12.70
additional increase for a beneficiary who has attained pensionable age	28.80	—	—	—	—	—	—
20 20. 6. Guardian's Payment (Contributory)	169.00	—	—	—	—	—	—
7. Carer's Benefit:							
25 (a) in the case of a person to whom section 102(1)(b) applies	213.00	—	29.80	—	—	—	—
30 (b) in the case of a person to whom section 102(1)(a) applies	319.50	—	29.80	—	—	—	—

PART 2

OCCUPATIONAL INJURIES BENEFITS — GRATUITIES AND GRANT

Description of Grant	Amount
(1)	(2)
	€
35 1. Disablement Benefit: Maximum gratuity	15,880
2. Death Benefit	850

PART 3

DISABLEMENT PENSION

Degree of disablement (1)	Weekly rate (2)	
	€	
100 per cent... ..	227.00	5
90 per cent... ..	204.30	
80 per cent... ..	181.60	
70 per cent... ..	158.90	
60 per cent... ..	136.20	
50 per cent... ..	113.50	10
40 per cent... ..	90.80	
30 per cent... ..	68.10	
20 per cent... ..	45.40	

PART 4

INCREASES OF DISABLEMENT PENSION

15

Description of increase (1)	Weekly rate (2)	Increase where the person is living alone (3)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable) (4)	
	€	€	€	20
1. Increase where the person is permanently incapable of work	196.00	7.70	12.70	25
2. Increase where the person requires constant attendance	213.00	—	—	30

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"PART 1

RATES OF PERIODICAL SOCIAL ASSISTANCE AND INCREASES

5	Description of assistance	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for prescribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
10	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
15		€	€	€	€	€	€	€
20	1. Jobseeker's Allowance:							
25	(a) in the case of a person to whom section 142(1)(a) applies	196.00	130.10	29.80	—	—	—	—
30	(b) in the case of a person to whom section 142(1)(b) applies	196.00	130.10	29.80	—	—	—	—
35	(c) in the case of a person to whom section 142A applies	100.00	100.00	—	—	—	—	—
40	(d) in the case of a person to whom section 142B applies	150.00	130.10	—	—	—	—	—
40	2. Pre-Retirement Allowance	196.00	130.10	29.80	—	—	—	—
40	3. Disability Allowance	196.00	130.10	29.80	—	—	—	—
45	4. State Pension (Non-Contributory)	219.00	144.70	29.80	143.00	7.70	10.00	12.70
45	5. Blind Pension	196.00	130.10	29.80	143.00	7.70	10.00	12.70
50	6. Widow's (Non-Contributory) Pension, Widower's (Non-Contributory) Pension and a payment referred to in paragraph (b) or (c) of the definition of 'relevant payment' in section 178	196.00	—	29.80	143.00	7.70	10.00	12.70
55	7. One-Parent Family Payment	196.00	—	29.80	—	—	—	—

Description of assistance	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for prescribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
8. Carer's Allowance:							
(a) in the case of a person to whom section 181(1)(a) applies	318.00	—	29.80	—	—	10.00	12.70
additional increase for a beneficiary who has attained pensionable age	40.50	—	—	—	—	—	—
(b) in the case of a person to whom section 181(1)(b) applies	212.00	—	29.80	—	—	10.00	12.70
additional increase for a beneficiary who has attained pensionable age	27.00	—	—	—	—	—	—
9. Guardian's Payment (Non-Contributory)	169.00	—	—	—	—	—	—
10. Supplementary Welfare Allowance:							
(a) in the case of a person to whom section 197(1) applies	196.00	130.10	29.80	—	—	—	—
(b) in the case of a person to whom section 197(2) applies	100.00	100.00	—	—	—	—	—
(c) in the case of a person to whom section 197(4) applies	150.00	130.10	—	—	—	—	—
11. Farm Assist	196.00	130.10	29.80	—	—	—	—

PART 3

INCREASE OF BLIND PENSION FOR ONE OF A COUPLE WHERE SPOUSE HAS NOT
ATTAINED PENSIONABLE AGE

Means of claimant or pensioner		Weekly rate of increase
		€
5	Where the weekly means of the claimant or pensioner do not exceed €7.60	130.10
	exceed €7.60 but do not exceed € 10.10	128.40
	exceed €10.10 but do not exceed €12.60	126.80
	exceed €12.60 but do not exceed €15.10	125.10
10	exceed €15.10 but do not exceed €17.60	123.50
	exceed €17.60 but do not exceed €20.10	121.80
	exceed €20.10 but do not exceed €22.60	120.10
	exceed €22.60 but do not exceed €25.10	118.50
	exceed €25.10 but do not exceed €27.60	116.80
15	exceed €27.60 but do not exceed €30.10	115.20
	exceed €30.10 but do not exceed €32.60	113.50
	exceed €32.60 but do not exceed €35.10	111.80
	exceed €35.10 but do not exceed €37.60	110.20
	exceed €37.60 but do not exceed €40.10	108.50
20	exceed €40.10 but do not exceed €42.60	106.90
	exceed €42.60 but do not exceed €45.10	105.20
	exceed €45.10 but do not exceed €47.60	103.50
	exceed €47.60 but do not exceed €50.10	101.90
	exceed €50.10 but do not exceed €52.60	100.20
25	exceed €52.60 but do not exceed €55.10	98.60
	exceed €55.10 but do not exceed €57.60	96.90
	exceed €57.60 but do not exceed €60.10	95.30
	exceed €60.10 but do not exceed €62.60	93.60
	exceed €62.60 but do not exceed €65.10	91.90
30	exceed €65.10 but do not exceed €67.60	90.30
	exceed €67.60 but do not exceed €70.10	88.60
	exceed €70.10 but do not exceed €72.60	87.00
	exceed €72.60 but do not exceed €75.10	85.30
	exceed €75.10 but do not exceed €77.60	83.60
35	exceed €77.60 but do not exceed €80.10	82.00
	exceed €80.10 but do not exceed €82.60	80.30
	exceed €82.60 but do not exceed €85.10	78.70
	exceed €85.10 but do not exceed €87.60	77.00
	exceed €87.60 but do not exceed €90.10	75.30
40	exceed €90.10 but do not exceed €92.60	73.70
	exceed €92.60 but do not exceed €95.10	72.00
	exceed €95.10 but do not exceed €97.60	70.40
	exceed €97.60 but do not exceed €100.10	68.70
	exceed €100.10 but do not exceed €102.60	67.00
45	exceed €102.60 but do not exceed €105.10	65.40

Means of claimant or pensioner	Weekly rate of increase	
exceed €105.10 but do not exceed €107.60	63.70	
exceed €107.60 but do not exceed €110.10	62.10	
exceed €110.10 but do not exceed €112.60	60.40	
exceed €112.60 but do not exceed €115.10	58.70	
exceed €115.10 but do not exceed €117.60	57.10	5
exceed €117.60 but do not exceed €120.10	55.40	
exceed €120.10 but do not exceed €122.60	53.80	
exceed €122.60 but do not exceed €125.10	52.10	
exceed €125.10 but do not exceed €127.60	50.40	
exceed €127.60 but do not exceed €130.10	48.80	10
exceed €130.10 but do not exceed €132.60	47.10	
exceed €132.60 but do not exceed €135.10	45.50	
exceed €135.10 but do not exceed €137.60	43.80	
exceed €137.60 but do not exceed €140.10	42.10	
exceed €140.10 but do not exceed €142.60	40.50	15
exceed €142.60 but do not exceed €145.10	38.80	
exceed €145.10 but do not exceed €147.60	37.20	
exceed €147.60 but do not exceed €150.10	35.50	
exceed €150.10 but do not exceed €152.60	33.90	
exceed €152.60 but do not exceed €155.10	32.20	20
exceed €155.10 but do not exceed €157.60	30.50	
exceed €157.60 but do not exceed €160.10	28.90	
exceed €160.10 but do not exceed €162.60	27.20	
exceed €162.60 but do not exceed €165.10	25.60	
exceed €165.10 but do not exceed €167.60	23.90	25
exceed €167.60 but do not exceed €170.10	22.20	
exceed €170.10 but do not exceed €172.60	20.60	
exceed €172.60 but do not exceed €175.10	18.90	
exceed €175.10 but do not exceed €177.60	17.30	
exceed €177.60 but do not exceed €180.10	15.60	30
exceed €180.10 but do not exceed €182.60	13.90	
exceed €182.60 but do not exceed €185.10	12.30	
exceed €185.10 but do not exceed €187.60	10.60	
exceed €187.60 but do not exceed €190.10	9.00	
exceed €190.10 but do not exceed €192.60	7.30	35
exceed €192.60 but do not exceed €195.10	5.60	
exceed €195.10 but do not exceed €197.60	4.00	
exceed €197.60 but do not exceed €200.10	2.30	

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**AN BILLE LEASA SHÓISIALAIGH AGUS PINSEAN
(UIMH. 2) 2009
SOCIAL WELFARE AND PENSIONS (NO. 2) BILL 2009**

EXPLANATORY MEMORANDUM

Introduction

The Bill is designed to give legislative effect to certain changes in the Social Welfare area, announced in the 2010 Budget Statement, which are due to come into effect in late December and early January 2010. These include changes in the personal, qualified adult and qualified child weekly rates of Social Welfare payments, improvements in the Family Income Supplement (FIS) scheme, changes in the rates of Child Benefit and activation measures for recipients of Jobseeker's Allowance and Supplementary Welfare Allowance aged 20 to 24. The Bill also provides for a number of miscellaneous changes to the Social Welfare Code.

Main Provisions

The Bill comprises 3 Parts and contains 20 sections.

Part 1

Preliminary and General

Section 1 provides for the short title, collective citation and commencement of the Bill.

Section 2 contains the definitions of certain terms as they apply in the Bill.

Part 2

Amendment to the Social Welfare Acts

Sections 3 and 4 and Schedules 1 and 2 to the Bill provide for reductions ranging from €7.50 to €8.50 in the weekly personal rates of payments excluding payments to recipients age 66 or over and recipients of Invalidity Pension age 65. These sections also provide for reductions of between €5.50 and €5.90 in the weekly rate for qualified adults under age 66 and for an increase of €3.80 per week in the rate payable in respect of a qualified child bringing the rate to

€29.80 per week. These changes take effect on different dates for different payments in the period 30 December, 2009 to 8 January, 2010.

Section 5 provides for an increase of €6 per week in all Family Income Supplement (FIS) weekly earnings thresholds, effective from 1 January, 2010.

Section 6 provides for a reduced personal rate of Jobseeker's Allowance and Supplementary Welfare Allowance of €100 per week for persons aged 20 and 21 years and €150 per week for persons aged 22 to 24 inclusive. It also provides for a reduced rate of €100 in respect of a Qualified Adult to recipients of Jobseeker's Allowance and Supplementary Welfare Allowance aged 20 and 21 for couples without children. These changes will apply to new claims for Jobseeker's Allowance and Supplementary Welfare Allowance made on or after 1 January 2010.

Section 7 provides for a reduction of €16 per month in the lower and higher rates of Child Benefit from 1 January 2010 bringing the rates to €150 and €187 respectively per month.

Section 8 provides for the introduction of a 4 year time-limit for claiming refunds of PRSI contributions. There is no such limit under the existing provisions. This provision will not apply in the case of refunds claimed on or before 31 December, 2009 or where a decision on the insurability status of an individual is sought before this date.

In order to qualify for a State Pension (Contributory), a person who was self-employed must have paid all of the self-employment contributions payable by him or her. Under the existing provisions, where unpaid contributions are paid subsequent to the date on which the pension is claimed, the pension may be payable retrospectively to the date of claim irrespective of the period involved. *Section 9* provides that where unpaid contributions are paid subsequent to the date of claim, the pension will only be payable from the date on which the contributions are paid.

As in the case of State Pension (Contributory), where a self-employment contribution record is being used to establish entitlement to a Widow's or Widower's (Contributory) Pension, it is necessary that all self-employment contributions payable by the claimant or his or her deceased spouse, depending on whose contribution record is being used, have been paid. *Section 10* provides that where unpaid contributions are paid subsequent to the date of claim, the pension will only be payable from the date on which the contributions are paid.

Section 11 limits Treatment Benefit to the free examination elements of Dental and Optical Benefits and the Medical and Surgical Appliances scheme.

Section 12 provides that in determining entitlement to mortgage interest supplement under the Supplementary Welfare Allowance scheme, the amount of mortgage interest relief received by a person and any mortgage allowance or mortgage interest subsidy payable by a local authority under a shared purchase scheme will be deducted from the gross interest payable. This section also provides for a definition of "institution" for Supplementary Welfare Allowance required for the purposes of section 14.

Section 13 provides for a reduced personal rate of Supplementary Welfare Allowance of €100 per week for persons aged 20 and 21 years and €150 per week for persons aged 22 to 24 inclusive. It also provides for a reduced rate of €100 in respect of a Qualified Adult to recipients of Supplementary Welfare Allowance aged 20 and 21 for couples without children. These changes will apply to new claims for Supplementary Welfare Allowance made on or after 1 January 2010.

Section 14 incorporates into primary legislation an existing requirement for entitlement to rent supplement specified in regulations that the applicant must be in a position to demonstrate that s/he could reasonably have afforded the rent at the commencement of the tenancy. In order to qualify for rent supplement, a person must have been a tenant or living in homeless accommodation for a period of at least 6 months. *Section 14* also extends this provision to include periods of residence in an institution, as defined in *Section 12* of the Bill.

Under existing provisions, a Social Welfare Inspector may, if accompanied by a member of the Garda Síochána, in uniform, stop a vehicle and question anyone in the vehicle where the inspector reasonably suspects that it is being used for employment or self-employment.

Section 15 extends these provisions to provide for similar checkpoints operated by Social Welfare Inspectors and Customs Officers without the need for a Garda presence. It also provides that an Inspector may question any occupants for the purposes of the control of any social welfare payment.

Section 16 provides that an officer of the Minister, authorised by the Minister for this purpose, serve notice in writing on a financial institution requiring the institution within a specified period of at least 30 days, to make available for inspection by the officer records which contain, or may in the officer's opinion formed on reasonable grounds contain, information relevant to a possible contravention of the Social Welfare Acts. A notice under this section may only be served where the authorised officer has reasonable grounds to believe that the financial institution is likely to have information relevant to the person concerned

Section 17 provides for the transfer of bulk information relating to recipients of social welfare payments to the competent authority of another Member State or international organisation or other country with which a reciprocal agreement has been made.

Section 18 provides that payments made under the scheme known as the Special Civil Service Incentive Career Break Scheme will not be regarded as earnings for the purposes of the various earnings disregards applied in determining entitlement to social assistance payments and will therefore be fully assessable as means.

Section 19 provides for the inclusion of the Health and Social Care Professionals Council and the Road Safety Authority in the list of specified bodies authorised by legislation to use the Personal Public Service (PPS) Number as a public service identifier.

Part 3

Amendment to Pensions Act 1990

Under the provisions of the Pensions Act, an application to the Circuit Court for an order to enforce a determination of the Pensions Ombudsman must be made by the Minister. *Section 20* provides that such applications will be taken by the Pensions Ombudsman.

*An Roinn Gnothaí Sóisialacha agus Teaghlaigh,
Nollaig, 2009.*