



AN BILLE LEASA SHÓISIALAIGH, 2011
SOCIAL WELFARE BILL 2011

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

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[No. 76a of 2011]

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ACTS REFERRED TO

Child Care Act 1991	1991, No. 17
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Redundancy Payments Act 1979	1979, No. 7
Redundancy Payments Acts 1967 to 2007	
Social Welfare (Miscellaneous Provisions) Act 2010	2010, No. 28
Social Welfare Act 2010	2010, No. 34
Social Welfare and Pensions Act 2008	2008, No. 2
Social Welfare and Pensions Act 2010	2010, No. 37
Social Welfare Consolidation Act 2005	2005, No. 26
Social Welfare Law Reform and Pensions Act 2006	2006, No. 5



AN BILLE LEASA SHÓISIALAIGH, 2011
SOCIAL WELFARE BILL 2011

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE
ACTS AND TO AMEND THE REDUNDANCY PAY-
MENTS ACTS 1967 TO 2007.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

10 PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Social Welfare Act 2011.

Short title,
construction and
collective citation.

(2) The Social Welfare Acts and *Parts 1* and 2 of this Act shall be read together as one.

15 (3) The Redundancy Payments Acts 1967 to 2007 and *Part 3* of this Act shall be read together as one and may be cited together as the Redundancy Payments Acts 1967 to 2011.

2.—In this Act—

Definitions.

“Act of 2010” means the Social Welfare and Pensions Act 2010;

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

20 PART 2

AMENDMENTS TO SOCIAL WELFARE ACTS

3.—(1) Section 75 of the Principal Act is amended—

Disablement
benefit.

(a) in subsection (1) by substituting “not less than 15 per cent” for “not less than 1 per cent”,

25 (b) by inserting the following subsection after subsection (1):

“(1A) In the case of any assessment of disablement—

(a) where the period to be taken into account by the assessment began before 1 January 2012, or

(b) where there has been a provisional assessment, and—

(i) the initial period to be taken into account by the assessment began before 1 January 2012, and 5

(ii) any subsequent period to be taken into account by the assessment begins on or after 1 January 2012, 10

subsection (1) shall be read as if ‘not less than 1 per cent’ were substituted for ‘not less than 15 per cent.’,”

(c) in subsection (2) by substituting “would amount to less than 15 per cent” for “would not amount to 1 per cent”,

(d) by inserting the following subsection after subsection (2): 15

“(2A) In the case of any assessment of disablement—

(a) where the period to be taken into account by the assessment began before 1 January 2012, or

(b) where there has been a provisional assessment, and— 20

(i) the initial period to be taken into account by the assessment began before 1 January 2012, and

(ii) any subsequent period to be taken into account by the assessment begins on or after 1 January 2012, 25

subsection (2) shall be read as if ‘would not amount to 1 per cent’ were substituted for ‘would amount to less than 15 per cent.’,”

(e) in subsection 10(a) by substituting “not less than 15 per cent” for “not less than 10 per cent”, and 30

(f) by substituting the following subsection for subsection (11):

“(11) (a) In the case of any assessment of disablement where the period to be taken into account by the assessment began before 1 May 1990, subsection (10)(a) shall be read as if the reference to ‘and the extent of disablement is assessed as amounting to not less than 15 per cent and not more than 19 per cent’ were deleted. 35 40

(b) In the case of any assessment of disablement where the period to be taken into account by the assessment began on or after 1 May 1990 but before 1 January 2012, subsection (10)(a) shall be read as if a reference to ‘and the extent of disablement is assessed as amounting to not less than 10 per cent and not more than 19 per 45

cent' were substituted for the reference to 'and the extent of disablement is assessed as amounting to not less than 15 per cent and not more than 19 per cent'.

5 (2) This section comes into operation on 1 January 2012.

4.—(1) Section 77A (inserted by section 6 of the Social Welfare Act 2010) of the Principal Act is amended— Qualified child increase.

(a) by substituting the following subsection for subsection (2):

10 “(2) Subject to subsection (3), any increase of disablement pension payable under subsection (1)(b) in respect of a qualified child who normally resides with the beneficiary and with the spouse, civil partner or cohabitant of the beneficiary shall be payable at the rate of one-half of the appropriate amount in any case where the spouse, 15 civil partner or cohabitant of the beneficiary is not a qualified adult and subsection (1)(b) shall be read and have effect accordingly.”,

and

(b) by substituting the following subsection for subsection (3):

20 “(3) Subsection (2) shall not apply and no increase of disablement pension payable under subsection (1)(b) in respect of a qualified child who normally resides with the beneficiary and with the spouse, civil partner or cohabitant of the beneficiary shall be payable where the weekly 25 income of that spouse, civil partner or cohabitant, calculated or estimated in the manner that may be prescribed, exceeds the amount that may be prescribed.”.

(2) The Principal Act is amended—

30 (a) in section 102 (amended by section 26 of the Act of 2010)—

(i) by substituting the following subsection for subsection (2):

35 “(2) Subject to subsections (3) and (4), any increase of carer’s benefit payable under subsection (1) in respect of a qualified child who normally resides with the beneficiary and with the spouse, civil partner or cohabitant of the beneficiary shall be payable at the rate of one-half of the appropriate amount and 40 subsection (1) shall be read and have effect accordingly.”,

and

(ii) by inserting the following subsections after subsection (2):

45 “(3) Subsection (2) shall not apply and no increase of carer’s benefit payable under subsection (1) in respect of a qualified child who normally resides with the beneficiary and with the spouse, civil partner or cohabitant of the beneficiary shall be payable where

the weekly income of that spouse, civil partner or cohabitant, calculated or estimated in the manner that may be prescribed, exceeds the amount that may be prescribed.

(4) Subsection (3) shall not apply in the case of any claim for carer's benefit which is made before 5 July 2012.”, 5

(b) in section 112 (amended by section 26 of the Act of 2010)—

(i) in subsection (3), by substituting “Subject to subsections (3A) and (3B), any increase of” for “Any increase of”, and 10

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

“(3A) Subsection (3) shall not apply and no increase of State pension (contributory) payable under subsection (2) in respect of a qualified child who normally resides with the beneficiary and with the spouse, civil partner or cohabitant of the beneficiary shall be payable where the weekly income of that spouse, civil partner or cohabitant, calculated or estimated in the manner that may be prescribed, exceeds the amount that may be prescribed. 15 20

(3B) Subsection (3A) shall not apply in the case of any claim for State pension (contributory) which is made before 6 July 2012.”, 25

(c) in section 117 (amended by section 26 of the Act of 2010)—

(i) in subsection (3), by substituting “Subject to subsections (3A) and (3B), any increase of” for “Any increase of”, and 30

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

“(3A) Subsection (3) shall not apply and no increase of State pension (transition) payable under subsection (2) in respect of a qualified child who normally resides with the beneficiary and with the spouse, civil partner or cohabitant of the beneficiary shall be payable where the weekly income of that spouse, civil partner or cohabitant, calculated or estimated in the manner that may be prescribed, exceeds the amount that may be prescribed. 35 40

(3B) Subsection (3A) shall not apply in the case of any claim for State pension (transition) which is made before 5 July 2012.”, 45

and

(d) in section 122 (amended by section 26 of the Act of 2010)—

(i) in subsection (3), by substituting “Subject to subsections (3A) and (3B), any increase of” for “Any increase of”, and

5 (ii) by inserting the following subsections after subsection (3):

10 “(3A) Subsection (3) shall not apply and no increase of invalidity pension payable under subsection (2) in respect of a qualified child who normally resides with the beneficiary and with the spouse, civil partner or cohabitant of the beneficiary shall be payable where the weekly income of that spouse, civil partner or cohabitant, calculated or estimated in the manner that may be prescribed, exceeds the amount that may be prescribed.

15 (3B) Subsection (3A) shall not apply in the case of any claim for invalidity pension which is made before 5 July 2012.”.

(3) Subsection (2) comes into operation—

20 (a) in so far as it relates to paragraphs (a), (c) and (d), on 5 July 2012, and

(b) in so far as it relates to paragraph (b), on 6 July 2012.

5.—(1) Section 109 of the Principal Act is amended—

(a) by inserting the following subsection after subsection (1):

25 “(1A) In the case of a person who attained pensionable age before 6 April 2002, subsection (1) shall be read as if the following condition were substituted for the condition in paragraph (b):

30 ‘(b) that the claimant has qualifying contributions in respect of not less than 156 contribution weeks since his or her entry into insurance.’.”,

and

(b) by substituting the following subsection for subsection (2):

35 “(2) In the case of a person, other than a person who on or before 6 April 1997 is a voluntary contributor paying contributions under Chapter 4 of Part 2, who attained pensionable age on or after 6 April 2002, but before 6 April 2012, subsection (1) shall be read as if the following condition were substituted for the condition in paragraph (b):

40 ‘(b) that the claimant has qualifying contributions in respect of not less than 260 contribution weeks since his or her entry into insurance.’.”

(2) Section 115 of the Principal Act is amended—

(a) by inserting the following subsection after subsection (1):

45 “(1A) In the case of a person who attained the age of 65 years before 6 April 2002, subsection (1) shall be read

State pension
(contributory) and
State pension
(transition) —
conditions for
receipt.

as if the following condition were substituted for the condition in paragraph (b):

‘(b) that the claimant has qualifying contributions in respect of not less than 156 contribution weeks since his or her entry into insurance.’, 5

and

(b) by substituting the following subsection for subsection (2):

“(2) In the case of a person, other than a person who on or before 6 April 1997 is a voluntary contributor paying contributions under Chapter 4 of Part 2, who attained the age of 65 years on or after 6 April 2002, but before 6 April 2012, subsection (1) shall be read as if the following condition were substituted for the condition in paragraph (b): 10

‘(b) that the claimant has qualifying contributions in respect of not less than 260 contribution weeks since his or her entry into insurance.’. 15

(3) This section comes into operation on 6 April 2012.

Widow’s
(contributory)
pension, widower’s
(contributory)
pension and
surviving civil
partner’s
(contributory)
pension.

6.—(1) Section 125 of the Principal Act is amended—

(a) in subsection (1) (amended by section 17 of the Act of 2010) by substituting the following paragraph for paragraph (a): 20

“(a) that the widow, widower or surviving civil partner has qualifying contributions in respect of not less than 260 contribution weeks in the period beginning with his or her entry into insurance and ending immediately before the relevant time, and”, 25

and

(b) by inserting the following subsection after subsection (1):

“(1A) Where the date of death occurs before 27 December 2013, subsection (1)(a) shall be read as if ‘156’ were substituted for ‘260’.”. 30

(2) This section comes into operation on 27 December 2013.

Entitlement to one-
parent family
payment.

7.—(1) Section 173 (amended by section 25 of the Social Welfare (Miscellaneous Provisions) Act 2010) of the Principal Act is amended— 35

(a) in subsection (4) by substituting the following paragraph for paragraph (b):

“(b) payable for a period not exceeding 6 consecutive months from the date on which, but for this subsection, that person would have ceased to be so entitled.”. 40

(b) by substituting the following subsection for subsection (5B):

5 “(5B) Subject to subsection (5C), subsections (4), (5) and (5A) shall not apply in any case where a person, by virtue of his or her gross weekly earnings exceeding the amount specified for the purposes of subsection (3), ceases to be entitled to one-parent family payment on or after 5 January 2012.”,

and

10 (c) by inserting the following subsection after subsection (5B):

15 “(5C) Notwithstanding subsection (5B), a person who qualifies for the continuation of one-parent family payment in accordance with subsection (4) before 5 January 2012 may continue to receive that payment for the unexpired portion of the period of continuation which occurs on or after 5 January 2012 if—

(a) the qualified person continues, during that unexpired portion of that period, to satisfy subsection (4), and

20 (b) the total period of the continuation of that payment does not exceed, in accordance with subsection (4), 6 months from the date on which, but for that subsection, that person would have ceased to be so entitled.”.

25 (2) This section comes into operation on 5 January 2012.

8.—(1) Section 221 of the Principal Act is amended by substituting the following subsection for subsection (1) (amended by section 5 of the Social Welfare Act 2010): Child benefit — amendments.

30 “(1) Subject to this Act, a qualified person shall be paid a monthly benefit—

35 (a) of the amount set out in column (2) of Part 4 of Schedule 4 for a qualified child referred to in column (1) of that Part of that Schedule opposite that amount for any entitlement to child benefit that occurs during the period beginning on 1 January 2012 and expiring on 31 December 2012, and

(b) of €140 for each qualified child in respect of any entitlement to child benefit that occurs on or after 1 January 2013.”.

40 (2) Schedule 4 to the Principal Act is amended by substituting the following Part for Part 4 (amended by section 5 of the Social Welfare Act 2010):

“PART 4

AMOUNTS OF CHILD BENEFIT DURING THE PERIOD
BEGINNING ON 1 JANUARY 2012 AND EXPIRING ON
31 DECEMBER 2012

Qualified child in respect of whom child benefit is payable (1)	Monthly rate of child benefit payable per qualified child during the period beginning on 1 January 2012 and expiring on 31 December 2012 (2)	
1. Each of the first 2 qualified children	€ 140.00	5 15
2. Third qualified child	148.00	
3. Each qualified child in excess of 3 qualified children	160.00	20

”.

(3) Section 221 of the Principal Act is amended by deleting subsections (3), (4), (5), (6), (7) and (8).

(4) This section comes into operation on 1 January 2012. 25

Late claims.

9.—(1) Section 241(2) of the Principal Act is amended—

(a) in paragraph (a) (amended by section 26 of the Act of 2010) by substituting “6 months” for “12 months”, and

(b) by inserting the following subsection after subsection (2):

“(2A) In the case of a claim for— 30

(a) State pension (transition) made before 5 April 2012, or

(b) State pension (contributory), widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension and guardian’s payment (contributory) made before 6 April 2012, 35

subsection (2)(a) shall be read as if ‘12 months’ were substituted for ‘6 months’.”.

(2) This section comes into operation— 40

(a) in so far as it relates to State pension (transition), on 5 April 2012, and

(b) in so far as it relates to State pension (contributory), widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension and guardian’s payment (contributory), on 6 April 2012. 45

Schedule 3 —
amendments.

10.—(1) Schedule 3 to the Principal Act is amended—

(a) in Part 2, in Rule 1(9) (amended by section 26 of the Act of 2010)—

(i) in subparagraph (b)(ii)(I), by substituting “€127” for “€254”,

5 (ii) in subparagraph (b)(ii)(II), by substituting “€190.50” for “€381”, and

(iii) by substituting “85 per cent” for “70 per cent”,

10 (b) in Part 3 (amended by section 24 of the Social Welfare Law Reform and Pensions Act 2006) by deleting Rule 1(2)(b)(ix), and

(c) in Table 2 by deleting paragraph 9.

(2) This section comes into operation on 1 January 2012.

15 **11.**—(1) Part 5 of Schedule 3 to the Principal Act is amended in Rule 1(4) (amended by section 8 of the Social Welfare and Pensions Act 2008) by substituting the following subparagraphs for subparagraph (b):

One-parent family payment — means assessment.

20 “(b) in calculating the weekly earnings for the purposes of subparagraph (a) for any period commencing on or after 1 January 2012 but before 1 January 2013, an amount of €130 together with half the weekly earnings in excess of that amount shall be disregarded,

25 (c) in calculating the weekly earnings for the purposes of subparagraph (a) for any period commencing on or after 1 January 2013 but before 1 January 2014, an amount of €110 together with half the weekly earnings in excess of that amount shall be disregarded,

30 (d) in calculating the weekly earnings for the purposes of subparagraph (a) for any period commencing on or after 1 January 2014 but before 1 January 2015, an amount of €90 together with half the weekly earnings in excess of that amount shall be disregarded,

35 (e) in calculating the weekly earnings for the purposes of subparagraph (a) for any period commencing on or after 1 January 2015 but before 1 January 2016, an amount of €75 together with half the weekly earnings in excess of that amount shall be disregarded, and

40 (f) in calculating the weekly earnings for the purposes of subparagraph (a) for any period commencing on or after 1 January 2016, an amount of €60 together with half the weekly earnings in excess of that amount shall be disregarded;”.

(2) This section comes into operation on 1 January 2012.

Disqualification from certain payments while participating in Community Employment.

12.—(1) The Principal Act is amended by inserting the following section after section 247A (inserted by section 27 of the Act of 2010):

- “Disqualification from certain payments while participating in Community Employment. 247B.—(1) A person shall be disqualified from receiving—
- (a) any benefit specified in section 39(1), 5
other than—
 - (i) disablement benefit payable in accordance with section 75,
 - (ii) death benefit by way of a grant in respect of funeral expenses, 10
 - (iii) bereavement grant, and
 - (iv) widowed or surviving civil partner grant,
 - (b) an increase, payable under section 77, in disablement pension on account of 15
incapacity,
 - (c) any assistance specified in section 139(1), other than—
 - (i) supplementary welfare allowance in so far as it relates to the pay- 20
ment of a supplement towards the amount of rent payable by a person in respect of his or her residence in accordance with section 198, 25
 - (ii) supplementary welfare allowance in so far as it relates to the pay-
ment of that allowance in accordance with section 200, 201, 202 or 206, and 30
 - (iii) a widowed or surviving civil partner grant,
- and
- (d) infectious diseases maintenance allowance, 35

for any week or part of a week during which he or she is employed under a scheme provided by the Minister and known as Community Employment.

(2) Subsection (1) shall not apply to a person receiving any benefit, increase, assistance or allow- 40
ance specified in paragraphs (a) to (d) of subsection (1) while he or she is employed under a Community Employment scheme where the period of employment under that Community Employment scheme commenced before 16 January 2012.”. 45

(2) This section comes into operation on 16 January 2012.

13.—(1) Section 2(1) of the Principal Act is amended—

Extension of PRSI liability to share-based remuneration.

- (a) by substituting the following definition for the definition of “reckonable earnings” (amended by section 13 of the Social Welfare Act 2010):

5 “ ‘reckonable earnings’ means, subject to section 13(2)(da)—

10 (a) in the case of an employed contributor, not being a special contributor, emoluments derived from insurable employment or insurable (occupational injuries) employment (other than such emoluments that may be prescribed) to which Chapter 4 of Part 42 of the Act of 1997 applies, but without regard to Chapter 1 of Part 44 of that Act, and

15 (b) in the case of a special contributor—

20 (i) salaries, wages or other remuneration including non-pecuniary remuneration derived from insurable employment or insurable (occupational injuries) employment to which the Act of 1997 (other than Chapter 4 of Part 42) applies or would apply if the employed contributor in receipt of the remuneration were resident in the State, but without regard to Chapter 1 of Part 44 of that Act, and

25 (ii) payments to persons attending or engaged in courses or schemes provided or approved by—

(I) An Foras Áiseanna Saothair,

30 (II) Teagasc, or

(III) the National Tourism Development Authority, and

35 reckonable earnings shall include, in the case of employed contributors and special contributors, share-based remuneration realised, acquired or appropriated, as the case may be, on or after 1 January 2011;”,

- (b) by substituting the following definition for the definition of “reckonable emoluments” (amended by section 12 of the Social Welfare Act 2010):

40 “ ‘reckonable emoluments’, in relation to a self-employed contributor, means emoluments (other than reckonable earnings and any other emoluments that may be prescribed) to which Chapter 4 of Part 42 of the Act of 1997 applies and reckonable emoluments shall include share-based remuneration realised, acquired or appropriated, as the case may be, on or after 1 January 2011;”,

45 and

- (c) by inserting the following definitions:

“ ‘share-based remuneration’ means—

- (a) any gain realised by the exercise, assignment or release of a right in accordance with section 128 of the Act of 1997,
- (b) in the case of convertible securities within the meaning of section 128C of the Act of 1997, the chargeable amount computed in accordance with that section, 5
- (c) in the case of restricted shares within the meaning of section 128D of the Act of 1997, the chargeable amount computed in accordance with that section, 10
- (d) in the case of a profit sharing scheme approved by the Revenue Commissioners in accordance with Part 2 of Schedule 11 to the Act of 1997, the initial market value of the appropriated shares within the meaning of section 510(2) of that Act, and 15
- (e) in the case of a savings-related share option scheme approved by the Revenue Commissioners in accordance with Schedule 12A to the Act of 1997, any gain realised by the exercise of a right in accordance with section 519A of that Act, 20

where that gain, chargeable amount, value or amount is realised, acquired or appropriated, as the case may be, on or after 1 January 2011, but share-based remuneration shall not include any such gain, chargeable amount, value or amount realised, acquired or appropriated, as the case may be— 25 30

- (i) during the contribution year commencing on 1 January 2011 in respect of shares (including stock) that are the subject of a written contract or agreement that is in place before 1 January 2011, or 35
- (ii) in respect of shares (including stock) that were acquired before 1 January 2011 by an employee share ownership trust to which section 519 of the Act of 1997 applies;

‘special contributor’ means an employed contributor— 40

- (a) in receipt of reckonable earnings referred to in paragraph (b) of the definition of reckonable earnings, or
- (b) to whom paragraphs (a) and (b) of section 13(4A) apply;”. 45

(2) Section 13(2) of the Principal Act is amended in paragraph (da) (inserted by section 13 of the Social Welfare Act 2010)—

- (a) in subparagraph (ii), by substituting “Regulations 2001, and” for “Regulations 2001.”, and

(b) by inserting the following subparagraph after subparagraph (ii):

“(iii) the amount of any share-based remuneration.”.

5 (3) Section 13(4) of the Principal Act is amended by substituting “Subject to subsections (4A) and (4B), the employer shall,” for “The employer shall,”.

(4) Section 13 of the Principal Act is amended by inserting the following subsections after subsection (4):

10 “(4A) Where—

(a) a person realises a gain by the exercise, assignment or release of a right, as the case may be, in accordance with section 128 or section 519A of the Act of 1997, and

15 (b) at the time of realising that gain that person has ceased to be an employee of the employer who granted that right,

subsection (4) shall not apply to—

(i) the employer who granted that right, or

20 (ii) if that person is employed by another employer at the time the gain is realised, acquired or appropriated, as the case may be, that other employer.

(4B) A person to whom paragraphs (a) and (b) of subsection (4A) applies shall be—

25 (a) deemed to be an employed contributor, where that person, having attained the age of 16 years and not having attained pensionable age, is no longer employed in an employment specified in Part 1 of Schedule 1, not being an employment specified in
30 Part 2 of that Schedule, and

(b) liable to pay, in the prescribed manner, contributions in accordance with section 13(2)(b) in respect of the gain so realised.”.

(5) Section 17 of the Principal Act is amended—

35 (a) in subsection (1) by inserting the following paragraph after paragraph (f):

“(fa) the furnishing of returns by employed contributors to whom section 13(4B) applies in relation to employment contributions and share-based remuneration,”,

40

and

(b) by inserting the following subsection after subsection (5):

“(6) For the purposes of this Part, regulations may require employers to keep any records that may be prescribed in relation to rights to shares (including stock) granted by that employer to his or her directors, former directors, employees and former employees and the periods during which those persons were employed, and to retain those records for prescribed periods.”. 5

(6) The Principal Act is amended by inserting the following section after section 34:

“Return of contributions — share-based remuneration. 34A.—(1) The Minister may return, subject to any conditions, restrictions and deductions, any contributions— 10

(a) paid in accordance with section 13(2)(b)—

(i) by virtue of clauses (I) to (VI) of paragraphs (a) and (b) of the definition of ‘reckonable earnings’ contained in Article 3 of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 (S.I. No. 312 of 1996) (inserted by Article 4 of the Social Welfare (Consolidated Contributions and Insurability) (Amendment) Regulations 2010 (S.I. No. 684 of 2010)), in respect of any gain, chargeable amount, value or amount realised, acquired or appropriated, as the case may be, during the contribution year commencing on 1 January 2011 which is the subject of a written contract or agreement that is in place before 1 January 2011, or 15 20 25 30

(ii) in respect of share-based remuneration received by way of forfeitable shares to which section 128E of the Act of 1997 refers, where subsection (6) of that section applies, 35 40

and

(b) paid in accordance with section 13(2)(d), by virtue of clauses (I) to (VI) of paragraphs (a) and (b) of the definition of ‘reckonable earnings’ contained in Article 3 of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 (S.I. No. 312 of 1996) (inserted by Article 4 of the Social Welfare (Consolidated Contributions and Insurability) (Amendment) Regulations 2010 (S.I. No. 684 of 2010)). 45 50

5 (2) The Minister may make regulations providing for the return, subject to any conditions, restrictions and deductions specified in the regulations, of the contributions referred to in subsection (1), to an employed contributor and to the employer of an employed contributor, as the case may be, and such regulations may include—

(a) prescribing the procedure for an application for such return, and

10 (b) prescribing the procedure for such return on the death of an employed contributor.”.

(7) Section 250 of the Principal Act is amended by inserting the following subsection after subsection (4):

15 “(4A) A social welfare inspector shall—

(a) for the purposes of answering or clarifying any questions that the social welfare inspector may have in relation to the payment of employment contributions by employed contributors for the purposes of section 13(4B), and

20 (b) for the purposes of estimating the amount due in respect of employment contributions by employed contributors for the purposes of section 13(4B),

have the power to request that employed contributor to—

25 (i) produce for inspection all records of share-based remuneration realised, acquired or appropriated, as the case may be, by that employed contributor, and

30 (ii) provide details of the employer who granted the shares (including stock) which gave rise to that share-based remuneration,

at the address at which the person ordinarily resides or at an office of the Minister.”.

(8) Section 252 of the Principal Act is amended by inserting the following subsection after subsection (2):

35 “(2A) An employed contributor to whom section 13(4B) applies who—

(a) fails to pay at or within a prescribed time any employment contribution which he or she is liable to pay under Part 2, or

40 (b) for the purposes of evading or reducing the amount of his or her liability in respect of employment contributions which he or she is liable to pay under Part 2 and which he or she has not paid—

45 (i) knowingly makes any statement or representation (whether written or verbal) which is to his or her knowledge false or misleading in any material respect, or knowingly conceals any material fact, or

- (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he or she knows to be false in a material particular,

is guilty of an offence.”.

5

Abolition of employer PRSI relief on employee pension contributions.

14.—(1) Section 13(2) of the Principal Act is amended in paragraph (*da*) (amended by *section 13*) by deleting subparagraph (ii).

(2) This section comes into operation on 1 January 2012.

PART 3

AMENDMENTS TO REDUNDANCY PAYMENTS ACT 1967

10

Amendment of section 29 of Redundancy Payments Act 1967.

15.—(1) Section 29 of the Redundancy Payments Act 1967 (amended by section 6 of the Redundancy Payments Act 1979) is amended—

(a) in subsection (1), by substituting “15 per cent” for “60 per cent”, 15

(b) in subsection (2), by substituting “5 per cent” for “40 per cent”, and

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

“(4) Where an employer makes a claim for a rebate on or after 1 January 2012 in respect of a lump sum payment paid to an employee under section 19 and the date of dismissal by reason of redundancy, referred to in section 19, occurs before 1 January 2012— 20

(a) subsection (1) shall be read as if ‘60 per cent’ were substituted for ‘15 per cent’, and 25

(b) subsection (2) shall be read as if ‘40 per cent’ were substituted for ‘5 per cent’.

(5) Where an employer makes a claim for a rebate on or after 1 January 2012 in respect of a lump sum payment paid to an employee under section 19 in respect of an employee to whom section 12 applies and— 30

(a) the date of the notice of intention to claim, referred to in section 12(1)(b), or

(b) the date of the termination of the contract of employment of the employee concerned, 35 referred to in section 12(2),

occurs before 1 January 2012—

(i) subsection (1) shall be read as if ‘60 per cent’ were substituted for ‘15 per cent’, and

(ii) subsection (2) shall be read as if '40 per cent' were substituted for '15 per cent'."

(2) This section comes into operation on 1 January 2012.