



AN BILLE LEASA SHÓISIALAIGH (ILPHARDÚN), 2012
SOCIAL WELFARE (AMNESTY) BILL 2012

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

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 2. Commencement.
 3. Making of regulations.
 4. Temporary amnesty.
 5. Report.
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AN BILLE LEASA SHÓISIALAIGH (ILPHARDÚN), 2012
SOCIAL WELFARE (AMNESTY) BILL 2012

BILL

entitled

5 AN ACT TO INTRODUCE A TEMPORARY AMNESTY WITH
RESPECT TO SOCIAL WELFARE OVERPAYMENTS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

10 “benefit” means any financial transfer under a scheme administered
by the Department;

“Department” means the Department of Social Protection;

“end of the amnesty period” means the day 30 days after the amnesty
commences or such other day as may be prescribed by the
regulations;

15 “fraud offence” means an offence relating to improperly obtaining a
benefit from the Department, other than an offence that involves
violence, a threat against a person or identity fraud;

“Minister” means the Minister for Social Protection.

2.—(1) The Minister shall by order appoint a day to be the estab- Commencement.
20 lishment day for the purposes of this Act and the day will be no
more than two months following the passage of the Act.

(2) The Minister shall by order appoint a day upon which the
amnesty shall commence.

3.—(1) Where regulations are proposed to be made under this Making of
25 Act, a draft of the regulations shall be laid before both Houses of regulations.
the Oireachtas, and the regulations shall not have effect until a resolu-
tion approving the draft has been passed by each such House.

(2) The Minister may propose such regulations as are necessary
for the purposes of the amnesty.

Temporary
amnesty.

4.—(1) The purpose of the amnesty is—

- (a) to encourage a person to notify the Department if the person is incorrectly or improperly obtaining a benefit from the Department,
- (b) to encourage a person to notify the Department of any change in the person's circumstances that removes or reduces the person's entitlement to a benefit from the Department, and
- (c) to protect any such person from prosecution or civil proceedings in respect of the matters notified before the end of the amnesty period.

(2) A person cannot be prosecuted for a fraud offence in respect of any conduct that would constitute such an offence if the person notifies the Department of the person's conduct—

- (a) before the end of the amnesty period, and
- (b) before the Department has commenced an investigation into the conduct.

(3) If a person notifies the Department in accordance with *subsection (2)*, no action or proceedings may be brought by the Department to recover any penalty, damages or other monies from the person in respect of—

- (a) the conduct constituting the fraud offence that occurred before the notification, or
- (b) the benefit that the person incorrectly or improperly obtained, as a result of that conduct, from the Department before the notification.

(4) A person may notify the department in person, by recorded post or email and shall be issued with a receipt of this notification by the Department.

(5) The onus of proving that a notification took place for the purposes of this section is on the person who made the notification.

(6) This section does not apply to any prosecution or to any action or proceeding commenced before the commencement of this section.

(7) Nothing in this section prevents the Department from varying, cancelling or refusing to grant any benefit as a result of any notification given under this section.

Report.

5.—(1) As soon as may be after the end of the amnesty, but not later than 6 months thereafter, the Department shall make a report which shall be referred to the Oireachtas Joint Committee on Education and Social Protection and the Minister on the outcome of the amnesty.

(2) This report shall include—

- (a) the number of people who made a notification under *section 4*,

- (b) the number and value of irregular benefit payments identified as a consequence of such notifications,
- (c) the estimated control saving arising from the amnesty, and
- (d) any other information that the Department considers relevant.

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