DÁIL ÉIREANN

AN BILLE LEASA SHÓISIALAIGH, 2014
SOCIAL WELFARE BILL 2014

LEASUITHE COISTE
COMMITTEE AMENDMENTS

[No. 97 of 2014] [25 November, 2014]

DÁIL ÉIREANN

AN BILLE LEASA SHÓISIALAIGH, 2014
—ROGHFHOCHOISTE

SOCIAL WELFARE BILL 2014
—SELECT SUB-COMMITTEE

Leasuithe
Amendments

SECTION 1

1. In page 3, between lines 6 and 7, to insert the following:

"Definitions

1. In this Act—

"Act of 2012" means the Social Welfare Act 2012;

"Principal Act" means the Social Welfare Consolidation Act 2005.".

—An Tánaiste agus Aire Coimirce Sóisialaí.

[Acceptance of this amendment involves the deletion of section 1 of the Bill.]

SECTION 2

2. In page 3, between lines 8 and 9, to insert the following:

"Review of all expenditure reductions

2. The Minister for Social Protection shall review all expenditure reductions within her Department resulting in a reduction in a rate of payment or the ceasing of a welfare payment or scheme since 2011 with a view to restoring those payments to their previous levels and shall bring forward a report on same.".

—Willie O'Dea

3. In page 3, line 10, to delete "The Social Welfare Consolidation Act 2005" and substitute "The Principal Act".

—An Tánaiste agus Aire Coimirce Sóisialaí.

SECTION 3

4. In page 4, between lines 5 and 6, to insert the following:

"Amount of Respite Care Grant

3. Section 225(1) of the Social Welfare Consolidation Act 2005 is amended by the substitution of "€1,700" for "€1,350".".

—Aengus Ó Snodaigh

[SECTION 3]

5. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Social Welfare Consolidation Act 2005

3. Section 290(3)(c) of the Social Welfare Consolidation Act 2005 is amended by the insertion of "the Parish of the Travelling People or any credit union for the purposes of the Lough Payment Scheme, or" before "any other body that may be prescribed".".

—Aengus Ó Snodaigh.

6. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Social Welfare (Consolidation) Act 2005

3. The Social Welfare (Consolidation) Act 2005 is amended by inserting the following after subsection (4) of section 311:

"(5) (a) An Appeals Officer shall decide an appeal within a prescribed time of 60 working days from the date of receipt of the appeal.

(b) Where notice of a decision under section 311 is not given to the appellant who made the appeal concerned before the expiration of the period specified in section 311(5)(a), a decision upholding the appeal shall be deemed to have been made upon such expiration.

(c) An Appeals Officer may apply to the Chief Appeals Officer for an extension of time to consider the appeal in exceptional circumstances but the Appeals Officer must demonstrate the reasons for the delay and the appellant shall be informed of the reasons for the delay in writing.".".

—Joan Collins, Willie O'Dea.

7. In page 4, between lines 5 and 6, to insert the following:

"Means assessment for one-parent family payment

3. Rule 1(4) (amended by section 11 of the Social Welfare Act 2011) of Part 5 of Schedule 3 to the Principal Act is amended—

(a) in subparagraph (a), by the substitution of "subject to this paragraph," for "subject to subparagraph (b),",

(b) in subparagraph (c), by the substitution of "shall be disregarded, and" for "shall be disregarded,",

(c) by the substitution of the following subparagraph for subparagraph (d):

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

and

(d) by the deletion of subparagraphs (e) and (f).".

—An Tánaiste agus Aire Coimirce Sóisialaí.

8. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Social Welfare Consolidation Act 2005

3. Schedule 5 of the Social Welfare Consolidation Act 2005 is amended in paragraph 1(4) by deleting the words "Irish Water," (inserted by section 20 of the Social Welfare and Pensions Act 2014).".

—Joan Collins.

9. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Pensions Act 1990

3. The Pensions Act 1990 is amended by inserting a new section 48A as follows:

"**48A.** A solvent firm shall not be allowed to close a defined benefit pension scheme except where the scheme has reached a minimum 90 per cent funding standard.".".

—Joan Collins, Willie O'Dea.

10. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Pensions Act 1990

3. The Pensions Act 1990 is amended by inserting a new section 48A as follows:

"48A. An appeals mechanism for pension scheme members shall be put in place where trustees have decided upon reduced benefits for members, and such appeals mechanism shall ensure that any category of such pension scheme members have not been unfairly treated in any restructuring arrangement.".".

—Joan Collins, Willie O'Dea.

11. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Pensions Act 1990

3. The Pensions Act 1990 is amended by inserting a new section 48A as follows:

"**48A**. Trustees shall take into account, pensionable service, age and recognition of variations between pension scheme members in respect of contributions of beneficiaries in a company in the allocation of rights.".".

—Joan Collins.

[SECTION 3]

12. In page 4, between lines 5 and 6, to insert the following:

"Defined Benefit Pensions Schemes in deficit

3. The Pensions Act 1990 is amended by—

(a) inserting a new section 48B as follows:

"48B.(1) A healthy sponsor shall not be allowed to close a defined benefit pension scheme except where the scheme has reached a minimum 90 per cent funding standard.

(2) For the purposes of this section a healthy sponsor means an employer that—

(a) has positive net revenues, or

(b) has a parent company with positive net revenues.",

(b) substituting the following paragraphs in section 48(1AA) for paragraphs (a) through (f) inclusive:

"(a) a PRSI contributions record sufficient to ensure eligibility for the full State Pension for every retired scheme member who has not attained this record themselves and an age-appropriate equivalent for those that are pre-retirement;

(b) 100 per cent of pensioners' benefits up to €12,000 (not including post-retirement increases in such benefits);

(c) the lower of 50 per cent or €6,000 of active and deferred members' benefits under 55 years of age and the lower of 75 per cent or €9,000 of active and deferred members' benefits over 55 years of age (not including post-retirement increases in such benefits);

(d) 75 per cent of pensioners' benefits exceeding the initial €12,000 up to a maximum of €30,000 (not including post-retirement increases in such benefits);

(e) 75 per cent of active and deferred members' benefits exceeding the initial sum up to a maximum of €30,000 (not including post-retirement increases in such benefits);

(f) up to 100 per cent of remaining pensioner benefits (not including post-retirement increases in such benefits);

(g) up to 100 per cent of remaining active and deferred members' benefits (not including post-retirement increases in such benefits); and

(h) up to 100 per cent of remaining pensioner, active and deferred members' benefits including post-retirement increases in such benefits,",

and

(c) by the insertion of the following subsection after subsection 50 (ID):

"(1E) An appeals mechanism for pensioners and deferred members shall be put in place where trustees have decided upon reduced benefits for members, and such appeals mechanism shall:

(a) ensure that such pensioners and deffered members have not been disproportionately impacted in any restructuring arrangement; and

(b) be established by regulations that shall also outline the manner by which representatives of pensioners and deferred members may be selected and recognised for the purpose of the appeal.".".

—Aengus Ó Snodaigh.

13. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Pensions Act 1990

3. The Pensions Act 1990 is amended in section 50 by inserting the following after subsection (1D) (inserted by the Social Welfare and Pensions (No. 2) Act 2013) as follows:

"(1E) A reduction in the preserved benefits for members with accrued service in excess of 20 years referred to in subsection (1B) shall, subject to subsection (1F), be made as follows:

(a) where the annual amount is €12,000 or less, no reduction shall be made from such annual amount;

(b) where the annual amount is greater than €12,000 and is less than €60,000, the reduction in such annual amount shall not exceed 10 per cent;

(c) where the annual amount is €60,000 or more, the reduction in such annual amount shall not exceed 20 per cent.

(1F) Where—

(a) the reduction referred to in subsection (1E) would result in the annual amount being reduced to less than €12,000, that reduced shall operate to reduce such annual amount to €12,000, and

(b) the annual amount is €60,000 or more and the reduction referred to in subsection (1E) would result in such annual amount being reduced to less than €54,000, that reduction shall operate to reduce such annual amount to €54,000.".".

—Joan Collins, Willie O'Dea

[SECTION 3]

14. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Pensions Act 1990

3. The Pensions Act 1990 is amended in section 50 by inserting a new subsection after subsection (2) as follows:

"(2A) The Pensions Authority shall not direct the trustees of a pension scheme to reduce the benefits of current and former scheme members and/or post-retirement increases in benefits for pensioner members where a sponsoring company or its parent company have the financial capacity to meet the under-funding in the scheme with out precipitating wage cuts or redundancies.".".

—Joan Collins.

15. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Pensions Act 1990

3. The Pensions Act 1990 is amended in section 50 by inserting a new subsection after subsection (2A):

"(2AA) (a) Pensionable service, age and recognition of variations between pensioners in respect of contributions of beneficiaries in a company shall be considered in the allocation of rights.

(b) The Pensions Authority shall not direct the trustees of a pension scheme to reduce the benefits of current and former scheme members and/or post-retirement increases in benefits for pensioner members where a sponsoring company or its parent company have the financial capacity to meet the under-funding in the scheme with out precipitating wage cuts or redundancies.

(c) The Pensions Authority shall not direct the trustees of a pension scheme to reduce the benefits of current and former scheme members and/or post-retirement increases in benefits for pensioner members where a sponsoring company or its parent company have the financial capacity to meet the under-funding in the scheme.".".

—Joan Collins.

16. In page 4, between lines 5 and 6, to insert the following:

"Amendment of Pensions Act 1990

3. The Pensions Act 1990 is amended by substituting the following for section 50(3)(a)(i)(II) (inserted by the Social Welfare and Pensions Act 2009) as follows:

"(II) members whose service in relevant employment has ceased and who have not reached normal pensionable age and who have an entitlement to a preserved benefit of less than 20 years or any

other benefit under the scheme.”.”.

—Joan Collins, Willie O’Dea.

17. In page 4, between lines 5 and 6, to insert the following:

“Amendment of Air Navigation and Transport (Amendment) Act 1998

3. The Air Navigation and Transport (Amendment) Act 1998 is amended by inserting a new section 32A as follows:

“**32A.** The IAS Scheme shall not be allowed to close its pension scheme except where the scheme has reached a minimum 90 per cent funding standard.”.”.

—Joan Collins, Willie O’Dea.

18. In page 4, between lines 5 and 6, to insert the following:

“Amendment of Air Navigation and Transport (Amendment) Act 1998

3. The Air Navigation and Transport (Amendment) Act 1998 is amended by inserting a new section 32A as follows:

“**32A**. The IAS Scheme shall not be allowed to close its pension scheme except where all pension scheme members are treated in an equitable manner on the winding up of that scheme.”.”.

—Joan Collins, Willie O’Dea.

19. In page 4, line 7, after “Welfare” to insert “and Pensions (No. 2)”.

—Joan Collins, Aengus Ó Snodaigh.