



SEANAD ÉIREANN

**AN BILLE LEASA SHÓISIALAIGH AGUS PINSEAN
(UIMH. 2), 2014
SOCIAL WELFARE AND PENSIONS (NO. 2) BILL 2014**

***ATHRAITHE Ó
CHANGED FROM***

***AN BILLE LEASA SHÓISIALAIGH, 2014
SOCIAL WELFARE BILL 2014***

**MOLTAÍ COISTE
COMMITTEE RECOMMENDATIONS**

SEANAD ÉIREANN

AN BILLE LEASA SHÓISIALAIGH AGUS PINSEAN (UIMH. 2), 2014 —AN COISTE

SOCIAL WELFARE AND PENSIONS (NO. 2) BILL 2014 —COMMITTEE STAGE

athraithe ó changed from

AN BILLE LEASA SHÓISIALAIGH, 2014 SOCIAL WELFARE BILL 2014

Moltaí Recommendations

SECTION 2

1. In page 3, between lines 11 and 12, 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, review options for restoring those payments to their previous levels and shall bring forward a report on same.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 3

2. In page 4, between lines 7 and 8, 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”.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

3. In page 4, between lines 7 and 8, 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”.”.

[SECTION 3]

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

4. In page 4, between lines 7 and 8, 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.””.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

5. In page 4, between lines 7 and 8, to insert the following:

“Due process in recovery of over-payments

3. Section 341 of the Social Welfare Consolidation Act 2005 is amended by the insertion of the following:

- “(1A) The Minister shall by regulation introduce a statute of limitations to govern the recovery of historic overpayments.””.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

6. In page 4, between lines 7 and 8, to insert the following:

“Poverty-proofing recovery of over-payments

3. Section 341 of the Social Welfare Consolidation Act 2005 is amended by the substitution of the following for subsection (7A):

- “(7A) The weekly amount of any benefit or assistance to be deducted for the purposes of the recovery of any benefit, assistance, supplement or payment in accordance with subsection (7) shall not, without the prior consent of the person liable to repay the overpayment, result in a weekly rate of payment of benefit or assistance lower than the rate of

[SECTION 3]

Supplementary Welfare Allowance.”.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

7. In page 4, between lines 7 and 8, 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).”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

SECTION 4

8. In page 4, between lines 21 and 22, to insert the following:

“Amendment of Pensions Act 1990

4. 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.”.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

9. In page 4, between lines 21 and 22, to insert the following:

“Amendment of Pensions Act 1990

4. 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.”.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

10. In page 4, between lines 21 and 22, to insert the following:

“Defined Benefit Pensions Schemes in deficit

4. The Pensions Act 1990 is amended—

[SECTION 4]

(a) by 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) by 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(1D):

“(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:

[SECTION 4]

- (a) ensure that such pensioners and deferred 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.”.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

11. In page 4, between lines 21 and 22, to insert the following:

“Amendment of Pensions Act 1990

4. 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.”.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

12. In page 4, between lines 21 and 22, to insert the following:

“Amendment of Pensions Act 1990

4. 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:

[SECTION 4]

“(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.”.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

13. In page 4, between lines 21 and 22, to insert the following:

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

4. 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.”.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

14. In page 4, between lines 21 and 22, to insert the following:

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

4. 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.”.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*