



**AN BILLE LEASA SHÓISIALAIGH AGUS PINSEAN
(LEASÚ), 2014
SOCIAL WELFARE AND PENSIONS (AMENDMENT) BILL
2014**

EXPLANATORY MEMORANDUM

Irish Water

Irish Water was established under the Water Services Act 2013. Irish Water assumed responsibility for the provision of water and also waste water services to homes around the country. One of the principal tasks of Irish Water has been to put in place arrangements for the imposition of a charge for the use of water. With a view to introducing charges on a pay-per-use basis, Irish Water has undertaken an ambitious programme of requiring households to register with Irish Water, in tandem with an equally ambitious programme of installing water meters in 1.05 million (80%) of households by 2016.

Use of PPS Numbers

Under the Social Welfare Consolidation Act 2005 — a person cannot be asked for their PPS number by a State entity unless the entity is listed in Schedule 5 of the 2005 Act. It is clear it was not originally envisaged that householders would be compelled to share their PPS number with Irish Water. The legislation which set up Irish Water did not add Irish Water's name to the list of bodies in Schedule 5 of the 2005 Act.

Irish Water and PPS Numbers

The power to require householders to share their PPS numbers with Irish Water was inserted into the Social Welfare Bill 2014 at Committee Stage in the Dáil last June — and consequently the effect of this proposal is not in any way mentioned in the Explanatory Memorandum which accompanied that Bill upon its publication.

Irish Water and its Use of PPS Numbers

It would seem that the reason why Irish Water claims that it needs access to peoples' PPS numbers is so they can have a reliable means of verifying the existence of people, particularly children for the purpose of allocating the free water allowance in respect of each child in a household.

However, in circumstances where there are alternative options open to Irish Water, an insistence that people divulge their PPS numbers seems ill-judged and needlessly intrusive.

Provisions of the Bill

Section 1 deletes the reference to "Irish Water" which is contained in Schedule 5 of the Social Welfare Consolidation Act 2005. The

reference to Irish Water in the 2005 Act was originally inserted by section 20 of the Social Welfare and Pensions Act 2014.

It is the mere inclusion of a reference to Irish Water in Schedule 5 of the 2005 Act which gives Irish Water the power to require people to provide their PPS numbers. That is why section 1 of this Bill deletes the reference to Irish Water from the 2005 Act and the effect of this is that Irish Water will then be precluded from requiring people to provide their PPS numbers

Section 2 requires Irish Water to destroy all PPS numbers which have been sent to it by customers before this Bill became law.

Section 3 sets out the short title of the Bill. As the Bill does not contain a commencement provision, it will come into force immediately upon its promulgation by the President.

*Senator Feargal Quinn,
Samhain, 2014.*