



An Bille Leasa Shóisialaigh (Forálacha Ilghnéitheacha), 2015
Social Welfare (Miscellaneous Provisions) Bill 2015

Mar a leasaíodh sa Roghfhochoiste um Choimirce Shóisialach

As amended in the Select sub-Committee on Social Protection



AN BILLE LEASA SHÓISIALAIGH (FORÁLACHA ILGHNÉITHEACHA), 2015
SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) BILL 2015

Mar a leasaíodh sa Roghfhochoiste um Choimirce Shóisialach
As amended in the Select sub-Committee on Social Protection

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SCHEDULE

AMENDMENTS CONSEQUENTIAL ON BACK TO WORK FAMILY DIVIDEND

ACTS REFERRED TO

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Personal Injuries Assessment Board Act 2003 (No. 46)
Property Services (Regulation) Act 2011 (No. 40)
Protection of Employees (Temporary Agency Work) Act 2012 (No. 13)
Social Welfare (Miscellaneous Provisions) Act 2008 (No. 22)
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Social Welfare Consolidation Act 2005 (No. 26)
Social Welfare Law Reform and Pensions Act 2006 (No. 5)
Student Support Act 2011 (No. 4)
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Vocational Education Act 1930 (No. 29)



AN BILLE LEASA SHÓISIALAIGH (FORÁLACHA ILGHNÉITHEACHA), 2015
SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) BILL 2015

Bill

entitled

An Act to amend and extend the Social Welfare Acts, to amend the Taxes Consolidation Act 1997 and the Personal Injuries Assessment Board Act 2003; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

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Short title, construction and collective citation

1. (1) This Act may be cited as the Social Welfare (Miscellaneous Provisions) Act 2015.
- (2) The Social Welfare Acts and *Part 2* shall be construed together as one Act.

PART 2

AMENDMENTS TO SOCIAL WELFARE ACTS

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Definitions

2. In this Part—

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

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

Definition of medical assessor and consequential amendments

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3. (1) Section 2(1) of the Principal Act is amended by the insertion of the following definitions:

“ ‘employment agency’ has the same meaning as it has in the Employment Agency Act 1971;

‘medical assessor’ means—

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- (a) an officer of the Minister who is a registered medical practitioner,
or
 - (b) such other person who is a registered medical practitioner—
 - (i) engaged by the Minister under a contract for services or otherwise, or 5
 - (ii) employed by an employment agency under a contract of employment (within the meaning of the Protection of Employees (Temporary Agency Work) Act 2012),
to provide medical services to the Minister;”.
- (2) The Principal Act is amended— 10
 - (a) in section 46(1)(b)(iv) (amended by section 5 of the Act of 2007), by the substitution of “an officer of the Minister or a medical assessor” for “an officer of the Minister”,
 - (b) in section 46D(1)(a)(iii) (inserted by section 12 of the Act of 2010), by the substitution of “an officer of the Minister or a medical assessor” for “an officer of the Minister”, 15
 - (c) in section 91(1)(d)(iii) (amended by section 11 of the Act of 2007), by the substitution of “an officer of the Minister or a medical assessor” for “an officer of the Minister”,
 - (d) in section 118(3)(d) (amended by section 16 of the Act of 2007), by the substitution of “an officer of the Minister or a medical assessor” for “an officer of the Minister”, 20
 - (e) in section 186B, by the deletion of the definition of “medical assessor” (inserted by section 26 of the Social Welfare (Miscellaneous Provisions) Act 2010),
 - (f) in section 186C (amended by section 26 of the Social Welfare (Miscellaneous Provisions) Act 2010), by the deletion of subsections (2) and (3), and 25
 - (g) in section 212(1)(d) (amended by section 26 of the Act of 2007), by the substitution of “an officer of the Minister or a medical assessor” for “an officer of the Minister”.
- (3) In subsection (2) “Act of 2007” means the Social Welfare and Pensions Act 2007. 30

Entitlement to carer’s benefit, carer’s allowance and respite care grant

- 4. (1) The Principal Act is amended—
 - (a) in section 99 (amended by section 10(a) of the Act of 2008), by the substitution of the following subsection for subsection (2):
 - “(2) For the purposes of the definition of ‘relevant person’ in this Chapter, a person shall not be regarded as requiring full-time care and attention unless the person has such a disability that he or she requires from another person— 35

- (a) continual supervision and frequent assistance throughout the day in connection with normal bodily functions, or
 - (b) continual supervision in order to avoid danger to himself or herself.”,
- (b) in section 179 (amended by section 10(b) of the Act of 2008), by the substitution of the following subsection for subsection (4): 5
 - “(4) For the purposes of the definition of ‘relevant person’ in this Chapter, a person shall not be regarded as requiring full-time care and attention unless the person has such a disability that he or she—
 - (a) requires from another person— 10
 - (i) continual supervision and frequent assistance throughout the day in connection with normal bodily functions, or
 - (ii) continual supervision in order to avoid danger to himself or herself,
 - and 15
 - (b) is likely to require such full-time care and attention for at least 12 consecutive months.”,
- and
- (c) in section 224 (amended by section 10(c) of the Act of 2008), by the substitution of the following subsection for subsection (2): 20
 - “(2) For the purposes of the definition of ‘relevant person’ in this Part, a person shall not be regarded as requiring full-time care and attention unless the person is so incapacitated that he or she requires from another person—
 - (a) continual supervision and frequent assistance throughout the day in connection with normal bodily functions, or 25
 - (b) continual supervision in order to avoid danger to himself or herself.”.
- (2) In this section “Act of 2008” means the Social Welfare (Miscellaneous Provisions) Act 2008. 30

Entitlement to jobseeker’s allowance in certain circumstances

- 5.** Section 148A (inserted by section 10 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013) of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):

- “(1) This section applies— 35
 - (a) to a person who, during the period for which jobseeker’s allowance is being claimed under this section—
 - (i) is not entitled to one-parent family payment, and

- (ii) would be entitled to one-parent family payment but for the fact that the youngest child has attained the age specified in paragraph (b) of the definition of ‘relevant age’ in section 172(1),

and

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- (b) where the youngest child, referred to in paragraph (a)(ii), has not attained the age of 14 years.”,

and

- (b) by the deletion of subsection (5).

Entitlement to one-parent family payment

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6. (1) Section 172(1) of the Principal Act is amended—

- (a) in the definition of “qualified parent” (amended by section 20 of the Act of 2010)—

- (i) in paragraph (e), by the substitution of “6 months,” for “6 months, or”, and

- (ii) in paragraph (h), by the substitution of “civil partnership,” for “civil partnership.”,

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and

- (b) in the definition of “relevant age” (amended by section 14 of the Act of 2012), by the substitution of the following paragraph for paragraph (a):

- “(a) 16 years where—

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- (i) the person in respect of whom the claim for one-parent family payment is being made is qualified for a carer’s allowance under Chapter 8 of Part 3, including a payment under section 186A, or

- (ii) a payment under Chapter 8A of Part 3 is being made in respect of a child, and”.

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- (2) Section 178C (amended by section 14 of the Act of 2012) of the Principal Act is amended by the substitution of the following subsection for subsection (3):

- “(3) For the purposes of this section nothing in subsection (2) shall affect the entitlement of a person to whom this section applies to continue to be entitled to one-parent family payment until the youngest child attains 16 years where—

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- (a) the person is qualified for a carer’s allowance under Chapter 8 of Part 3, including a payment under section 186A, or

- (b) the youngest child is a child in respect of whom a payment under Chapter 8A of Part 3 is being made.”.

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- (3) In this section “Act of 2012” means the Social Welfare Act 2012.

Discontinuance of continued payment for qualified children

7. Section 234 (amended by section 29(2) of, and Schedule 1 to, the Act of 2010) of the Principal Act is amended by the insertion of the following subsection after subsection (1):

“(1A) Notwithstanding the provisions of this Part, a continued payment shall not be payable to a person for any period on or after the enactment of the *Social Welfare (Miscellaneous Provisions) Act 2015*.”. 5

Back to work family dividend

8. The Principal Act is amended by the insertion of the following Part after Part 7:

“PART 7A 10

BACK TO WORK FAMILY DIVIDEND

Definitions

238A. In this Part—

‘employment’ means insurable employment but does not include participation in a qualifying scheme; 15

‘qualifying payment’ means an allowance payable to a person participating in a qualifying scheme where, immediately before such participation commenced, the person was in receipt of—

- (a) jobseeker’s benefit, or
- (b) jobseeker’s allowance, other than jobseeker’s allowance payable in accordance with section 148A; 20

‘qualifying scheme’ means—

- (a) a scheme administered by the Minister and known as—
 - (i) Community Employment,
 - (ii) Tús, 25
 - (iii) Rural Social Scheme,
 - (iv) Gateway, or
 - (v) the national internship scheme,
- (b) an approved course of training, or
- (c) any other prescribed— 30
 - (i) scheme or programme of employment or work experience, or
 - (ii) course of education, training or development;

‘relevant payment’ means an allowance payable to a person participating in a qualifying scheme where, immediately before such participation commenced, the person was in receipt of— 35

- (a) one-parent family payment, or
 - (b) jobseeker's allowance payable in accordance with section 148A;
- 'self-employment' means insurable self-employment.

Entitlement to dividend

- 238B.**(1) Subject to this Act, a person who has not attained pensionable age shall be entitled to a dividend (in this Act referred to as 'back to work family dividend') where— 5
- (a) on or after 5 January 2015 and before 1 April 2018, the person ceases to claim or ceases to be entitled to—
 - (i) jobseeker's benefit, jobseeker's allowance, a qualifying payment or a relevant payment, by reason of that person or, where appropriate, that person's spouse, civil partner or cohabitant— 10
 - (I) being in employment or self-employment, or
 - (II) commencing employment or self-employment within 4 weeks of the date on which that person ceased to claim or ceased to be entitled to the benefit, allowance or payment concerned, 15
 - or
 - (ii) one-parent family payment by reason of— 20
 - (I) that person being in employment or self-employment,
 - (II) that person commencing employment or self-employment within 4 weeks of the date on which he or she ceased to claim or ceased to be entitled to that payment,
 - (III) the youngest child having attained the age specified in paragraph (b) of the definition of 'relevant age' in section 172(1) and that person being in employment or self-employment at the date on which he or she ceased to claim or ceased to be entitled to that payment, or 25
 - (IV) section 178B, 178C or 178D no longer applying to that person and that person being in employment or self-employment on the date on which he or she ceased to claim or ceased to be entitled to that payment, 30
 - (b) immediately before the date on which the person ceased to claim or ceased to be entitled to a benefit, allowance or payment specified in paragraph (a), the person was in receipt of— 35
 - (i) an increase in jobseeker's benefit, jobseeker's allowance or one-parent family payment in respect of at least one qualified child who normally resides with that person, or

- (ii) an increase in a qualifying payment or a relevant payment in respect of a child which corresponds to an increase referred to in subparagraph (i),
- and
- (c) in the case of— 5
 - (i) jobseeker's benefit,
 - (ii) jobseeker's allowance, other than jobseeker's allowance payable in accordance with section 148A, or
 - (iii) a qualifying payment,
 - the person has, immediately before the date on which he or she 10
 - ceased to claim or ceased to be entitled to the benefit, allowance or
 - payment concerned, in any continuous period of unemployment
 - been in receipt of such benefit, allowance or payment in respect of
 - not less than 312 days of unemployment, of which not less than 156
 - days of unemployment have occurred in the 12 month period 15
 - commencing immediately before that date.
- (2) Not more than one back to work family dividend shall be paid in respect of a couple.
- (3) Subject to subsection (4), a person shall not be entitled to back to work family dividend where that person or, where appropriate, that person's 20
 - spouse, civil partner or cohabitant—
 - (a) is in receipt of—
 - (i) any benefit specified in paragraphs (a) to (k) of section 39(1), other than disablement benefit payable in accordance with section 75 and death benefit by way of a grant in respect of 25
 - funeral expenses,
 - (ii) any assistance specified in section 139(1), other than guardian's payment (non-contributory) payable in accordance with section 168, widowed or surviving civil partner grant, domiciliary care allowance, a weekly or monthly payment payable in accordance 30
 - with section 198 and supplementary welfare allowance in so far as it relates to the payment of that allowance in accordance with section 200, 201, 202 or 206, or
 - (iii) a continued payment for qualified children payable in accordance with Part 7, 35
 - (b) participates in a qualifying scheme, or
 - (c) ceases to be employed or self-employed.
- (4) Where, but for subsection (3), back to work family dividend would be payable to a person in a period of incapacity for work in respect of which illness benefit or injury benefit would also be payable to that 40
 - person or, where appropriate, to his or her spouse, civil partner or

cohabitant, the dividend shall be payable to that person for that part of the period of incapacity for work which does not exceed 36 days.

(5) A person shall not be entitled to back to work family dividend under this Part unless he or she is habitually resident in the State.

(6) In this section— 5

‘continuous period of unemployment’ shall—

(a) in relation to jobseeker’s benefit and jobseeker’s allowance, be construed in accordance with section 141(3), and

(b) in relation to a qualifying payment, be construed in accordance with section 141(3), subject to the modification that a reference to unemployment shall be construed as a reference to participation in a qualifying scheme; 10

‘couple’ means—

(a) a married couple who are living together,

(b) both civil partners of the same civil partnership who are living together, or 15

(c) both cohabitants.

Duration of dividend

238C.(1) Subject to this Act, back to work family dividend shall be paid for a maximum period of 104 weeks. 20

(2) Where back to work family dividend ceases to be paid to a person before the end of the period specified in subsection (1), the dividend may, subject to subsection (3) and section 238F, be paid to the person for any part of the unexpired portion of that period where—

(a) that person satisfies the conditions specified in section 238B(1), and 25

(b) sections 238B(3) and 238D(3) do not apply.

(3) Back to work family dividend may be paid to a person in accordance with section 238B(1) and subsection (2) in respect of separate periods, subject to— 30

(a) the aggregate of such periods not exceeding the period specified in subsection (1), and

(b) the dividend being paid in respect of not more than 3 such separate periods.

Rate of dividend 35

238D.(1) Subject to this Act, the weekly rate of back to work family dividend payable shall—

(a) in respect of the first 52 weeks, beginning on the date on which it is receivable in accordance with regulations made under this Act, be an amount corresponding to the amount set out in column (4) of 40

Part 1 of Schedule 4, opposite reference 1(a) in column (1) of that Part in respect of each child to whom section 238B(1)(b) refers, subject to the maximum weekly dividend payable corresponding to the weekly rate payable in respect of 4 such children, and

- (b) in respect of any week, occurring after the first 52 weeks, and not exceeding an aggregate of 104 weeks, be half the amount calculated in accordance with paragraph (a), subject to the maximum weekly dividend payable corresponding to half the weekly rate payable in respect of 4 such children. 5
- (2) The weekly rate of back to work family dividend payable shall not include an amount in respect of a child to whom section 238B(1)(b) refers for any period during which that child— 10
 - (a) is treated as a qualified child for the purposes of an increase in any benefit specified in section 39(1), an increase in any assistance specified in section 139(1) or a continued payment for qualified children payable in accordance with Part 7, 15
 - (b) is treated as a child for the purposes of an increase in any qualifying payment or any relevant payment which corresponds to an increase in benefit or assistance referred to in paragraph (a),
 - (c) is treated as a qualified adult for the purposes of an increase in any benefit specified in section 39(1) or an increase in any assistance specified in section 139(1), 20
 - (d) is treated as an adult for the purposes of an increase in any qualifying payment or any relevant payment which corresponds to an increase in benefit or assistance referred to in paragraph (c), 25
 - (e) is in receipt of any benefit to which section 238B(3)(a)(i) refers or any assistance to which section 238B(3)(a)(ii) refers in his or her own right, or
 - (f) participates in a qualifying scheme.
- (3) A person shall not be entitled to back to work family dividend during any period in respect of which— 30
 - (a) subsection (2) applies, and
 - (b) there is no child to whom section 238B(1)(b) refers in respect of whom the dividend is payable.

Regulations

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238E.(1)The Minister may make regulations in relation to the back to work family dividend.

- (2) Regulations under this section may, in particular and without prejudice to the generality of subsection (1)—
 - (a) require employers to give such information to the Minister as he or she may require for the purposes of determining entitlement to the back to work family dividend, and 40

(b) prescribe—

- (i) schemes or programmes of employment or work experience, and
- (ii) courses of education, training or development,

for the purposes of paragraph (c) of the definition of ‘qualifying scheme’ in section 238A and different schemes, programmes or courses may be prescribed for different provisions of this Part. 5

Cessation of Part 7A

238F. This Part shall cease to have effect on 1 April 2021.”.

Authentication of identity when presenting for payment

9. Section 242 (amended by section 3 of the Social Welfare and Pensions Act 2014) of the Principal Act is amended— 10

(a) by the substitution of the following subsection for subsection (4):

“(4) Subject to subsection (5), a person presenting for payment of benefit on his or her own behalf shall satisfy the Minister, an officer of the Minister or a payment service provider, as the case may be, as to his or her identity by furnishing— 15

(a) his or her public services card, or

(b) a card that has been issued to the person by the Minister under section 264 and such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of that person.”. 20

(b) by the substitution of the following subsection for subsection (5):

“(5) The Minister may make arrangements with a payment service provider in respect of the payment of benefit to such class of persons as the Minister may determine and such arrangements may include the furnishing by the Minister of information or documentation to the payment service provider for the purposes of authenticating the identity of any such persons presenting to the payment service provider pursuant to the arrangement.”. 25 30

and

(c) by the insertion of the following subsections after subsection (5):

“(6) A person presenting for payment of benefit on behalf of another person (in this section referred to as the ‘other person’) shall furnish to the Minister, an officer of the Minister or a payment service provider, as the case may be— 35

(a) where the person has been nominated in that behalf in accordance with regulations made under section 244(1)(a)—

- (i) evidence that he or she has been so nominated by the other person to receive the benefit on behalf of the other person,
 - (ii) the public services card issued to the other person or a card issued to the other person by the Minister under section 264, and
 - (iii) such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of the nominated person,
- or
- (b) where the person has been appointed in that behalf in accordance with regulations made under section 244(1)(b)—
 - (i) the public services card issued to the other person or a card issued to the other person by the Minister under section 264, and
 - (ii) such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of the appointed person.
- (7) Where a person fails to comply with subsection (4) or (6), payment of benefit may be withheld until such time as the identity of the person is authenticated.
- (8) The information or documentation provided by the Minister under subsection (5) may be recorded or retained by a payment service provider for the purposes of this section.
- (9) The information or documentation furnished by a person under subsection (4) or (6) may be recorded or retained by the Minister, an officer of the Minister or a payment service provider.”.

Opinion of medical assessor

- 10.** The Principal Act is amended by the insertion of the following section after section 300:

“Opinion of medical assessor

300A.(1) In determining a person’s entitlement (whether in respect of a decision under section 300 or a revised decision under section 301) to a benefit, assistance or a respite care grant, as the case may be, the opinion of a medical assessor may be sought in respect of, but not limited to, any of the following questions:

- (a) whether the person is—
 - (i) for the purposes of section 40 or section 74, as the case may be, incapable of work, or
 - (ii) for the purposes of section 118, permanently incapable of work;

- (b) the level of restriction, for the purposes of section 46A, on the person's capacity for work in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work;
- (c) whether, for the purposes of Chapter 9 or Chapter 10 of Part 2, the woman concerned is expected to be or has been confined within the meaning of section 51; 5
- (d) whether, for the purposes of section 72—
 - (i) the accident, in respect of which the opinion is sought, could have arisen out of and in the course of the insured person's employment, and 10
 - (ii) the insured person's injury is consistent with that accident;
- (e) the extent, for the purposes of section 75, of the disablement resulting from the loss of physical or mental faculty suffered by an insured person as a result of personal injury caused on or after 1 May 1967 by accident arising out of and in the course of his or her employment; 15
- (f) whether, for the purposes of section 77, a person entitled to disablement pension is, as a result of the relevant loss of faculty, incapable of work and likely to remain permanently so incapable; 20
- (g) whether, for the purposes of section 78, a person entitled to disablement pension in respect of an assessment of 50 per cent or more requires constant attendance as a result of the relevant loss of faculty;
- (h) whether, for the purposes of section 80, the death of an insured person is as a result of personal injury caused on or after 1 May 1967 by accident arising out of and in the course of his or her employment; 25
- (i) whether, for the purposes of section 85, the person, as a result of the injury or disease arising out of and in the course of his or her employment— 30
 - (i) is or could be treated as being incapable of work and likely to remain permanently so incapable, or
 - (ii) requires constant attendance;
- (j) whether, for the purposes of section 87, an insured person has a disease or injury prescribed under that section which— 35
 - (i) could have arisen out of and in the course of the insured person's employment, and
 - (ii) developed on or after 1 May 1967;
- (k) whether the relevant accident, within the meaning of section 69, was an occupational accident for the purposes of section 90; 40

- (l) whether the person, in respect of whose care a claim has been made or is in payment, is a relevant person for the purposes of Chapter 14 of Part 2, Chapter 8 of Part 3 or Part 5, as the case may be;
- (m) whether, for the purposes of section 161A, the person is so blind that he or she— 5
 - (i) cannot perform any work for which eyesight is essential, or
 - (ii) cannot continue his or her ordinary occupation;
- (n) whether a child is a qualified child for the purposes of Chapter 8A of Part 3;
- (o) whether, for the purposes of section 210, the person, by reason of a specified disability, is substantially restricted in undertaking employment of a kind which, if the person was not suffering from that disability, would be suited to that person's age, experience and qualifications. 10
- (2) Where the opinion of a medical assessor is sought in accordance with subsection (1), the medical assessor shall assess all of the relevant information available to him or her and shall provide an opinion on the question put to him or her. 15
- (3) Where a medical assessor provides an opinion in accordance with subsection (2), a deciding officer shall have regard to that opinion in deciding the question in respect of which the opinion was sought. 20
- (4) In this section 'relevant loss of faculty' has the meaning assigned to it by section 69.".

Repayment of amounts due arising from false or misleading statements or wilful concealment of facts 25

11. Section 342A (inserted by section 18 of the Social Welfare and Pensions Act 2011) of the Principal Act is amended—

- (a) by the designation of that section as subsection (1),
- (b) by the substitution, in subsection (1), of "section 342" for "section 342(1)", and
- (c) by the insertion of the following subsection after subsection (1): 30
 - "(2) Subsection (1) shall apply to amounts required to be repaid by virtue of—
 - (a) a revised decision referred to in subsection (1)(a) or (1)(b), or
 - (b) a revised determination referred to in subsection (1)(c),
 - given on or after 29 June 2011, whether or not the amount so repayable is in respect of a period commencing before, or on or after, that date.".

Statements of recoverable benefits

12. (1) The Principal Act is amended—

- (a) in section 300(2), by the substitution of the following paragraph for paragraph (hh) (inserted by section 13 of the Act of 2013):

“(hh) Part 11B (recovery of certain benefits and assistance), being a question as to whether— 5

(i) a benefit, or any part of a benefit, under Part 2, or

(ii) any assistance, or any part of any assistance, under Part 3,

specified in a statement of recoverable benefits or a revised statement of recoverable benefits is a recoverable benefit within the meaning of Part 11B, and”, 10

- (b) in section 311, by the substitution of the following subsection for subsection (4) (inserted by section 13 of the Act of 2013):

“(4) No appeal may be made under subsection (1) by any person against the decision given by a deciding officer on a question under paragraph (hh) of section 300(2) until the recoverable benefits specified in the relevant statement of recoverable benefits, within the meaning of Part 11B, have been paid to the Minister in accordance with section 343R.”, 15

- (c) in section 343L (inserted by section 13 of the Act of 2013)— 20

- (i) by the insertion, in subsection (1), of the following definitions:

“ ‘relevant statement of recoverable benefits’ means a statement of recoverable benefits or, where a revised statement of recoverable benefits has been issued, the revised statement of recoverable benefits;

‘revised statement of recoverable benefits’ means a statement issued by the Minister under subsection 343PA(2) specifying the amount of recoverable benefits in respect of an injured person;”, 25

- (ii) by the substitution, in subsection (1), of the following definition for the definition of “statement of recoverable benefits”:

“ ‘statement of recoverable benefits’ means a statement issued by the Minister under section 343P(3) or 343PA(1) specifying the amount of recoverable benefits in respect of an injured person.”, 30

and

- (iii) by the substitution of the following subsection for subsection (2):

“(2) In this Part ‘recoverable benefits’ means— 35

- (a) in the case of a statement of recoverable benefits issued under section 343P(3) or 343PA(1)—

(i) the specified benefits paid to an injured person as a result of the personal injury before the date of the issuing of the statement of recoverable benefits, and 40

- (ii) the specified benefits that may be paid to an injured person as a result of the personal injury on or after the date referred to in subparagraph (i) until the end of the specified period,
- and
- (b) in the case of a revised statement of recoverable benefits issued under section 343PA(2)—
 - (i) the specified benefits paid to an injured person as a result of the personal injury before the date of the issuing of the revised statement of recoverable benefits, and
 - (ii) the specified benefits that may be paid to an injured person as a result of the personal injury on or after the date referred to in subparagraph (i) until the end of the specified period.”,
- (d) by the insertion of the following section after section 343P (inserted by section 13 of the Act of 2013):

“Issuing of statements and revised statements of recoverable benefits by Minister

343PA.(1)The Minister may issue a statement of recoverable benefits to a compensator or the Board, as the case may be, where—

 - (a) a compensator has made a compensation payment to, or in respect of, an injured person but has not applied for a statement of recoverable benefits under section 343P(1), or
 - (b) the Board has issued an order to pay under section 38 of the Act of 2003 but has not applied for a statement of recoverable benefits under section 343P(2).

(2) The Minister may issue a revised statement of recoverable benefits to a compensator or the Board, as the case may be, where, subsequent to the issue of a statement of recoverable benefits under subsection (1) or section 343P(3), a decision or a revised decision, within the meaning of section 343Q(4), is given to—

 - (a) award a specified benefit to an injured person, or
 - (b) vary a specified benefit payable to an injured person.

(3) The Minister shall, at the same time as issuing a statement of recoverable benefits under subsection (1) or a revised statement of recoverable benefits under subsection (2) to a compensator or the Board, as the case may be, issue a copy of the statement to the injured person.

(4) The Minister may by regulations prescribe the information to be provided by a compensator or an injured person which is required by the Minister in relation to the identity of the injured person and benefits received by that person for the purposes of issuing a statement of recoverable benefits under subsection (1) or a revised statement of recoverable benefits under subsection (2), as the case may be.”,

- (e) by the substitution of the following section for section 343Q (inserted by section 13 of the Act of 2013):

“Period of validity of statements and revised statements of recoverable benefits

- 343Q.**(1) A statement of recoverable benefits or a revised statement of recoverable benefits shall be valid— 5
- (a) in a case where, at the time of issuing the statement, no recoverable benefits have been identified—
 - (i) for 12 months from the date of issue of the statement of recoverable benefits or revised statement of recoverable benefits, as the case may be, or 10
 - (ii) until such time as a decision or a revised decision is given to award a specified benefit to an injured person, whichever is the earlier,
 - (b) in a case where, at the time of issuing the statement, recoverable benefits have been identified and no specified benefit is being paid— 15
 - (i) for 12 months from the date of issue of the statement of recoverable benefits or revised statement of recoverable benefits, as the case may be, or 20
 - (ii) until such time as a decision or a revised decision is given to award a specified benefit to an injured person or to vary a specified benefit payable to an injured person, whichever is the earlier, and
 - (c) in any other case— 25
 - (i) for 3 months from the date of issue of the statement of recoverable benefits or the revised statement of recoverable benefits, as the case may be, or
 - (ii) until such time as a decision or a revised decision is given to vary a specified benefit payable to an injured person, 30whichever is the earlier.
- (2) A person to whom a statement of recoverable benefits or a revised statement of recoverable benefits has been issued may request the Minister to furnish particulars of the manner in which the amount of recoverable benefits specified in the statement was calculated. 35
- (3) The Minister shall furnish the particulars requested under subsection (2) within 4 weeks of the receipt of such a request.
- (4) In this section—
- ‘decision’ means—
- (a) a decision that is given by a deciding officer under section 300, or 40

<ul style="list-style-type: none"> (b) a decision that is given by an appeals officer under section 311; ‘revised decision’ means— <ul style="list-style-type: none"> (a) a revised decision that is given by a deciding officer under section 301, or (b) a revised decision that is given by an appeals officer under section 317.”, (f) in section 343R (inserted by section 13 of the Act of 2013)— <ul style="list-style-type: none"> (i) in subsection (1), by the substitution of “relevant statement of recoverable benefits” for “statement of recoverable benefits”, and (ii) in subsection (2), by the substitution of “relevant statement of recoverable benefits” for “statement of recoverable benefits”, (g) in section 343U (inserted by section 13 of the Act of 2013), in subsection (2), by the substitution of “paragraph (a)(ii) or (b)(ii)” for “paragraph (b)”, (h) in section 343V (inserted by section 13 of the Act of 2013)— <ul style="list-style-type: none"> (i) in subsection (2), by the substitution of “relevant statement of recoverable benefits” for “statement of recoverable benefits”, and (ii) in subsection (3), by the substitution of “relevant statement of recoverable benefits” for “statement of recoverable benefits”, <p>and</p> <ul style="list-style-type: none"> (i) by the insertion of the following section after section 343W (inserted by section 13 of the Act of 2013): <p style="margin-left: 40px;">“Transitional arrangements</p> <p style="margin-left: 40px;">343X. Any statement of recoverable benefits issued prior to the coming into operation of <i>section 12 of the Social Welfare (Miscellaneous Provisions) Act 2015</i> shall be valid for the period specified in that statement or until a decision or a revised decision, within the meaning of section 343Q(4), is given to award a specified benefit to an injured person or to vary a specified benefit payable to an injured person, whichever is the earlier.”.</p> <p>(2) In this section “Act of 2013” means the Social Welfare and Pensions Act 2013.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>
<p>Specified bodies</p> <p>13. Schedule 5 to the Principal Act is amended, in paragraph 1(4) (amended by section 101 of, and paragraph 10 in Schedule 8 to, the Property Services (Regulation) Act 2011), by the insertion of “the Pyrite Resolution Board,” after “the Property Services Regulatory Authority,”.</p>	<p>30</p>
<p>Amendments consequential on back to work family dividend</p> <p>14. The Principal Act is amended in the manner specified in the <i>Schedule</i>.</p>	<p>35</p>

Miscellaneous amendments to Principal Act

15. (1) Section 2 of the Principal Act is amended, in subsection (1), by the substitution of “section 148A(4)” for “section 148A(5)” in paragraph (c) of the definition of “day of unemployment”.
- (2) Schedule 3 to the Principal Act is amended— 5
- (a) in Part 1, by the substitution of the following definition for the definition of “maintenance grant”:
- “ ‘maintenance grant’ means a grant—
- (a) that—
- (i) was awarded in accordance with section 2 (amended by section 10
3 of the Local Authorities (Higher Education Grants) Act 1992)
of the Local Authorities (Higher Education Grants) Act 1968,
and
- (ii) was continued under subsections (2) and (3) of section 6 of the
Student Support Act 2011, 15
- (b) that—
- (i) was awarded pursuant to a scheme administered by a vocational
education committee (within the meaning of section 7 of the
Vocational Education Act 1930) whereby grants were provided
to students to assist them in attending courses in higher or 20
further education, and
- (ii) was continued under subsections (2) and (3) of section 6 of the
Student Support Act 2011,
- or
- (c) that was awarded under a scheme of grants made pursuant to 25
section 16 of the Student Support Act 2011;”,
- (b) in Rule 1(2)(b)(ix) of Part 2, by the substitution of the following subclauses for
subclauses (I) and (II):
- “(I) the Rural Environment Protection Scheme and the Agri-Environment
Options Scheme administered by the Minister for Agriculture, Food and 30
the Marine;
- (II) the National Parks and Wildlife Service Farm Plan Scheme administered
by the Minister for Arts, Heritage and the Gaeltacht;”,
- and
- (c) in Rule 1(2)(b)(x) of Part 3 (amended by section 24 of, and Schedule 4 to, the 35
Social Welfare Law Reform and Pensions Act 2006), by the substitution of the
following subclauses for subclauses (I) and (II):
- “(I) the Rural Environment Protection Scheme and the Agri-Environment
Options Scheme administered by the Minister for Agriculture, Food and
the Marine; 40

- (II) the National Parks and Wildlife Service Farm Plan Scheme administered by the Minister for Arts, Heritage and the Gaeltacht,”.

PART 3

AMENDMENTS TO OTHER ACTS

Amendment of Taxes Consolidation Act 1997

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- 16.** The Taxes Consolidation Act 1997 is amended, in Chapter 1 of Part 7, by the insertion of the following section after section 194A (inserted by section 47 of the Social Welfare Law Reform and Pensions Act 2006):

“Back to work family dividend

194B. Back to work family dividend payable under Part 7A (inserted by *section 8 of the Social Welfare (Miscellaneous Provisions) Act 2015*) of the Social Welfare Consolidation Act 2005 shall be exempt from income tax and shall not be reckoned in computing income for the purposes of the Income Tax Acts.”.

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Amendment of section 38 of Personal Injuries Assessment Board Act 2003

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- 17.** Section 38 of the Personal Injuries Assessment Board Act 2003 is amended, in subsection (2) (amended by section 14 of the Social Welfare and Pensions Act 2013), by the substitution of the following paragraph for paragraph (a):

“(a) to the Minister for Social Protection, the amount of recoverable benefits specified in the relevant statement of recoverable benefits, if any, in accordance with the provisions of Part 11B (amended by *section 12 of the Social Welfare (Miscellaneous Provisions) Act 2015*) of the Social Welfare Consolidation Act 2005, and”.

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SCHEDULE

Section 14

AMENDMENTS CONSEQUENTIAL ON BACK TO WORK FAMILY DIVIDEND

Item No.	Provision affected	Amendment	
1	Section 2	Subsection (1) is amended— (a) in the definition of “beneficiary”, by the substitution of “child benefit, family income supplement or back to work family dividend,” for “child benefit or family income supplement,”, (b) in the definition of “claimant”, by the substitution of “child benefit, family income supplement or back to work family dividend,” for “child benefit or family income supplement,” and (c) in the definition of “social welfare inspector”, by the substitution of “7, 7A,” for “7,”.	5 10 15
2	Section 3	Subsection (10) is amended by the substitution of “, Chapter 9 of Part 3 and Part 7A” for “and Chapter 9 of Part 3”.	20
3	Section 186A	Paragraph (d) of subsection (5) is amended by the insertion of the following subparagraph after subparagraph (ii): “(iia) is entitled to or in receipt of back to work family dividend,”.	25
4	Section 240	Is amended by— (a) the substitution of “qualified children,” for “qualified children, or” in paragraph (g), and (b) the insertion of the following paragraph after paragraph (g): “(ga) back to work family dividend, or”.	30
5	Section 241	Paragraph (c) of subsection (2) is amended by the substitution of “farm assist, family income supplement and back to work family dividend,” for “farm assist and family income supplement,”.	35
6	Section 246	Subsection (3) is amended by the substitution of “210(9), 220(3) and 238B(5).” for “210(9) and 220(3).”.	40
7	Section 250	Is amended— (a) in subsection (1), by the substitution of “7, 7A,” for “7,”, (b) in subsection (7), by the substitution of “7, 7A,” for “7,” and (c) in subsection (7A), by the substitution of “7, 7A,” for “7,”.	45
8	Section 300	Subsection (2) is amended by the insertion of the following paragraph after paragraph (f): “(fa) Part 7A (back to work family dividend),”.	50
9	Section 302	Is amended—	

Item No.	Provision affected	Amendment	
		<p>(a) in paragraph (a), by the substitution of “family income supplement, continued payment for qualified children or back to work family dividend” for “family income supplement or continued payment for qualified children”, and</p> <p>(b) in paragraph (b), by the substitution of “family income supplement, continued payment for qualified children or back to work family dividend” for “family income supplement or continued payment for qualified children”.</p>	<p>5</p> <p>10</p>
10	Section 319	<p>Is amended—</p> <p>(a) in paragraph (a), by the substitution of “family income supplement, continued payment for qualified children or back to work family dividend” for “family income supplement or continued payment for qualified children”, and</p> <p>(b) in paragraph (b), by the substitution of “family income supplement, continued payment for qualified children or back to work family dividend” for “family income supplement or continued payment for qualified children”.</p>	<p>15</p> <p>20</p> <p>25</p>
11	Section 334	<p>Is amended—</p> <p>(a) in subsection (1)—</p> <p>(i) in paragraph (a), by the substitution of:</p> <p>(I) “7, 7A,” for “7,” and</p> <p>(II) “family income supplement, continued payment for qualified children or back to work family dividend” for “family income supplement or continued payment for qualified children” in each place that it occurs, and</p> <p>(ii) in paragraph (b), by the substitution of “7, 7A,” for “7,” and</p> <p>(b) in subsection (2), by the substitution of “family income supplement, continued payment for qualified children or back to work family dividend” for “family income supplement or continued payment for qualified children” in each place that it occurs.</p>	<p>30</p> <p>35</p> <p>40</p> <p>45</p>
12	Section 335	Is amended by the substitution of “family income supplement, continued payment for qualified children or back to work family dividend” for “family income supplement or continued payment for qualified children” in each place that it occurs.	50
13	Section 336	Is amended by the substitution of—	

Item No.	Provision affected	Amendment	
		<p>(a) “family income supplement, continued payment for qualified children or back to work family dividend” for “family income supplement or continued payment for qualified children” in each place that it occurs, and</p> <p>(b) “supplement, payment or dividend” for “supplement or payment” in each place that it occurs.</p>	5 10
14	Section 337	<p>Is amended by the substitution of—</p> <p>(a) “child benefit, family income supplement, continued payment for qualified children or back to work family dividend” for “child benefit or family income supplement” in each place that it occurs, and</p> <p>(b) “family income supplement, continued payment for qualified children or back to work family dividend” for “early childcare supplement, family income supplement or continued payment for qualified children” in paragraph (b).</p>	15 20
15	Section 338	Paragraph (b) is amended by the substitution of “family income supplement, continued payment for qualified children or back to work family dividend” for “family income supplement or continued payment for qualified children”.	25
16	Section 340	Is amended by the substitution of “benefit, assistance, child benefit, family income supplement, continued payment for qualified children or back to work family dividend” for “benefit or assistance” in each place that it occurs.	30
17	Section 341	Is amended by the substitution of “supplement, payment or dividend” for “supplement or payment” in each place that it occurs.	35
18	Section 342	<p>Is amended—</p> <p>(a) in paragraph (f), by the substitution of “qualified children,” for “qualified children, or”, and</p> <p>(b) by the insertion of the following paragraph after paragraph (f): “(fa) back to work family dividend, or”.</p>	40
19	Schedule 3	<p>Part 4 is amended in Rule 1(2)(b)(v)—</p> <p>(a) in subclause (III)(B), by the substitution of “Part 2;” for “Part 2; and”,</p> <p>(b) in subclause (IV), by the substitution of “186A; and” for “186A;” and</p> <p>(c) by the insertion of the following subclause after subclause (IV): “(V) any moneys received by way of back to work family dividend under Part 7A;”.</p>	45 50
20	Schedule 3	Table 2 is amended by the substitution of the following reference for reference number 1:	55

Item No.	Provision affected	Amendment
		<p>“1. any moneys received by way of benefit, pension, assistance, allowance, supplement, continued payment for qualified children or back to work family dividend under Part 2, 3, 4, 5, 6, 7, 7A or 8;”.</p>

5

An Bille Leasa Shóisialaigh (Forálacha
Ilghnéitheacha), 2015

BILLE

*(mar a leasaíodh sa Roghphochoiste um Choimirce
Shóisialach)*

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna Leasa
Shóisialaigh, do leasú an Achta Comhdhlúite
Cánacha, 1997 agus an Achta um Bord
Measúnaithe Díobhálacha Pearsanta, 2003; agus
do dhéanamh socrú i dtaobh nithe gaolmhara.

Ordaíodh ag an Roghphochoiste a chlóbhualadh
25 Márta, 2015

Social Welfare (Miscellaneous Provisions)
Bill 2015

BILL

*(as amended in the Select sub-Committee on Social
Protection)*

entitled

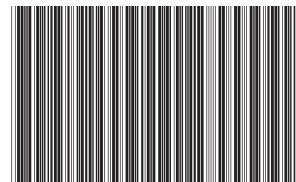
An Act to amend and extend the Social Welfare Acts,
to amend the Taxes Consolidation Act 1997 and
the Personal Injuries Assessment Board Act
2003; and to provide for related matters.

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