



SEANAD ÉIREANN

**AN BILLE LEASA SHÓISIALAIGH AGUS PINSEAN, 2015
SOCIAL WELFARE AND PENSIONS BILL 2015**

*ATHRAITHE Ó
CHANGED FROM*

*AN BILLE LEASA SHÓISIALAIGH, 2015
SOCIAL WELFARE BILL 2015*

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE LEASA SHÓISIALAIGH AGUS PINSEAN, 2015 —AN COISTE

SOCIAL WELFARE AND PENSIONS BILL 2015 —COMMITTEE

*athraithe ó
changed from*

AN BILLE LEASA SHÓISIALAIGH, 2015 SOCIAL WELFARE BILL 2015

*Leasuithe
Amendments*

**Government amendments are denoted by an asterisk*

SECTION 3

1. In page 8, between lines 13 and 14, to insert the following:

“(3) Persons who reach the age of 65 on or after 1 January 2016 and who qualify for jobseekers allowance or benefit shall be exempt from the requirement of being available for and genuinely seeking full-time employment.”.

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

SECTION 6

2. In page 9, between lines 20 and 21, to insert the following:

“Amendment of section 172(1) of Principal Act

6. Section 172(1) of the Principal Act is amended by the deletion of paragraph (b) of the definition of relevant age and the substitution of the following:

“(b) in any other case 12 years;”.

—*Senator David Cullinane.*

SECTION 9

3. In page 10, between lines 9 and 10, to insert the following:

“Amendment of section 228 of Principal Act

9. The Principal Act is amended by the insertion of the following subsection in section 228 (amended by section 5 of the Social Welfare and Pensions (No. 2) Act 2009):

“(2) This allowance shall be paid at a rate higher than that which preceded the passage of this Act and shall be increased by 10 per cent.”.

—*Senator David Cullinane.*

SECTION 21

4. In page 15, between lines 24 and 25, to insert the following:

“21. This section shall delete section 4 of the Social Welfare and Pensions Act 2012.”.

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

5. In page 15, between lines 24 and 25, to insert the following:

“21. The Minister shall, within 4 months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas, reviewing all expenditure reductions or the ceasing of payments in relation to the household benefits package, including the gas allowance, electricity allowance, telephone allowance since 2011, and setting out the options for restoring those payments to their previous levels.”.

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

6. In page 15, between lines 24 and 25, to insert the following:

“21. The Minister shall, within 4 months of the passing of this Act, prepare and lay out a report before the Houses of the Oireachtas, reviewing all expenditure reductions or ceasing of payments in relation to the treatment benefits package since 2011, and setting out options for restoring those payments to their previous levels.”.

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

7. In page 15, between lines 24 and 25, to insert the following:

“21. The Minister shall, within 4 months of the passing of this Act, prepare and lay out a report before the Houses of the Oireachtas, reviewing the abolition of the bereavement grant, and setting out options for restoring those payments to their previous levels.”.

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

8. In page 15, between lines 24 and 25, to insert the following:

“Poverty-proofing recovery of over-payments

21. 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

[SECTION 21]

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 supplementary welfare allowance.”.

—*Senator David Cullinane.*

9. In page 15, between lines 24 and 25, to insert the following:

“Due process in recovery of over-payments

21. Section 341 of the Social Welfare Consolidation Act 2005 is amended by the insertion of the following after subsection (1):

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

—*Senator David Cullinane.*

10. In page 15, between lines 24 and 25, to insert the following:

“Amendment of Schedule 4 to the Principal Act

21. (a) The Principal Act is amended in Part 1 of Schedule 4 at reference 1 by the deletion of reference (c) and the substitution of the following:

“(c) in the case of a person
to whom section 142A
applies 120.00 — — — — —”.

(b) The Principal Act is amended in Part 1 of Schedule 4 at reference 1 by the deletion of reference (d) and the substitution of the following:

“(d) in the case of a person
to whom section 142B
applies 164.00 — — — — —”.

.”.

—*Senator David Cullinane.*

SECTION 23

Section opposed.

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

NEW SECTION

11. In page 16, after line 35, to insert the following:

“26. 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

[NEW SECTION]

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, Mary M. White, Diarmuid Wilson.*

12. In page 16, after line 35, to insert the following:

“26. 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, Mary M. White, Diarmuid Wilson.*

13. In page 16, after line 35, to insert the following:

“26. The State Airports (Shannon Group) Act 2014 is amended by inserting a new section 34A as follows:

“34A. 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, Mary M. White, Diarmuid Wilson.*

14. In page 16, after line 35, to insert the following:

“26. The State Airports (Shannon Group) Act 2014 is amended by inserting a new section 34A as follows:

“34A. 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, Mary M. White, Diarmuid Wilson.*