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**An Bille Leasa Shóisialaigh, Pinsean agus Cláraithe Shibhialta, 2017**  
**Social Welfare, Pensions and Civil Registration Bill 2017**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE LEASA SHÓISIALAIGH, PINSEAN AGUS CLÁRAITHE SHIBHIALTA,  
2017  
SOCIAL WELFARE, PENSIONS AND CIVIL REGISTRATION BILL 2017**

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*Mar a tionscnaíodh  
As initiated*

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ACTS REFERRED TO

Civil Registration Act 2004 (No. 3)

Civil Registration Acts 2004 to 2015

Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50)

Pensions Act 1990 (No. 25)

Pensions Acts 1990 to 2015

Social Welfare (Miscellaneous Provisions) Act 2015 (No. 12)

Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (No. 20)

Social Welfare and Pensions Act 2012 (No. 12)

Social Welfare Consolidation Act 2005 (No. 26)





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AN BILLE LEASA SHÓISIALAIGH, PINSEAN AGUS CLÁRAITHE SHIBHIALTA,  
2017  
SOCIAL WELFARE, PENSIONS AND CIVIL REGISTRATION BILL 2017

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# Bill

*entitled*

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An Act to amend and extend the Social Welfare Acts; to amend the Pensions Act 1990; to amend the Civil Registration Act 2004; and to provide for related matters.

**Be it enacted by the Oireachtas as follows:**

## PART 1

### PRELIMINARY AND GENERAL

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#### **Short title, construction, collective citation and commencement**

1. (1) This Act may be cited as the Social Welfare, Pensions and Civil Registration Act 2017.
- (2) The Social Welfare Acts and *Parts 1* and *2* shall be construed together as one Act.
- (3) The Pensions Acts 1990 to 2015 and *Part 3* shall be construed together as one Act and may be cited together as the Pensions Acts 1990 to 2017. 15
- (4) The Civil Registration Acts 2004 to 2015 and *Part 4* shall be construed together as one Act and may be cited together as the Civil Registration Acts 2004 to 2017.
- (5) This Act, other than *sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18* and *19*, shall come into operation on such day or days as the Minister for Social Protection may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions. 20

## PART 2

### AMENDMENTS TO SOCIAL WELFARE ACTS

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#### **Definitions (*Part 2*)**

2. In this Part—

“Act of 2012” means the Social Welfare and Pensions Act 2012;

“Act of 2013” means the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013;

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

### **Guardian’s payments – concurrent payment in certain circumstances**

3. Section 247 (amended by section 19 of the Act of 2013) of the Principal Act is amended 5  
by the insertion of the following subsections after subsection (2):

“(2A) For the purposes of this Act, where—

(a) a payment is made to or in respect of a person and in respect of a benefit referred to in subsection (1)(a) or any assistance referred to in subsection (1)(b) (whether subsection (1) applies to the payment 10  
of such benefit or assistance or otherwise), and

(b) during the same period, the person referred to in paragraph (a) is a guardian to whom a payment specified in subsection (2B) would be payable to or in respect of an orphan,

nothing in this Act shall prevent the payment of the benefit or 15  
assistance referred to in paragraph (a) being paid to a person referred to in that paragraph where, during the same period, that person is a guardian referred to in paragraph (b) to whom a payment referred to in that paragraph would also be made.

(2B) The payments referred to in subsection (2A)(b) are— 20

(a) guardian’s payment (contributory),

(b) guardian’s payment (non-contributory), or

(c) death benefit by way of orphan’s pensions.”.

### **Publication of names, addresses and information relating to conviction**

4. The Principal Act is amended by the insertion of the following section after section 257: 25

#### **“Publication of names, addresses and information relating to conviction**

**257A.**(1) The Minister shall, in each relevant period, compile a list containing—

(a) the name and address of every person convicted of a relevant offence during the relevant period concerned, and

(b) the particulars of the relevant offence in respect of which the 30  
person has been convicted.

(2) Where—

(a) a person convicted of a relevant offence appeals either the conviction for the offence or the fine or other penalty imposed in respect of that conviction, the Minister shall not include, in the list 35  
referred to in subsection (1), the name and address of that person or the particulars of the relevant offence until the appeal has been finally determined, and

- (b) the appeal is finally determined and the conviction is upheld, the Minister shall include, in the list the Minister is compiling under subsection (1), for the relevant period in which that appeal is finally determined—
- (i) the name and address of every person in respect of whom a conviction for a relevant offence is upheld on appeal during that relevant period, and
  - (ii) the particulars of the relevant offence in respect of which the conviction has been upheld on appeal.
- (3) Where the Minister has compiled a list under subsection (1) in respect of a relevant period, the Minister shall, before the expiration of 3 months from the end of the relevant period concerned, cause the list to be published—
- (a) on a website maintained by the Minister, and
  - (b) in such other manner, form or format as the Minister considers appropriate.
- (4) Where the Minister publishes the list on a website referred to in subsection (3), the Minister shall, not later than the expiration of 3 months from the date on which the list was published on the website, remove the list from the website.
- (5) This section shall not apply to a conviction of a relevant offence where the relevant offence was committed before the coming into operation of this section.
- (6) Where, in the case of an appeal made by a person referred to paragraph (a) of subsection (2), the appeal concerned has been withdrawn or is otherwise not to proceed to determination, the Minister shall include—
- (a) the name and address of the person convicted of the offence in respect of which the appeal was made, and
  - (b) the particulars of the relevant offence in respect of which the person was convicted,
- in the list that he or she is compiling under subsection (1) for the relevant period in which the Minister is satisfied that the appeal has been withdrawn or is otherwise not to proceed to determination.
- (7) In this section—
- ‘particulars of the relevant offence’, in so far as it relates to the publication of a conviction under this section, includes—
- (a) a fine or other penalty imposed by a court in respect of the conviction concerned, whether imposed by the court in which the person was convicted or by a court in which an appeal against the conviction, or fine or other penalty imposed in respect of the conviction, was finally determined,

- (b) a description of the act or omission in respect of which the person was charged and of which he or she was convicted,
  - (c) the amount overpaid pursuant to the act or omission referred to in paragraph (b), and
  - (d) the plea entered by the person when charged with the offence in respect of which he or she was convicted; 5
- ‘relevant offence’ means an offence under—
- (a) this Act (and regulations made under it), or
  - (b) the Criminal Justice (Theft and Fraud Offences) Act 2001 in so far as the offence relates to, or is connected with, obtaining or establishing entitlement to payment of any benefit for the person charged or any other person (including obtaining or establishing entitlement to such payment which is in excess of that to which the person charged or other person is or was entitled); 10
- ‘relevant period’ means— 15
- (a) the period beginning on the 1st day of January 2018 and ending on the 31st day of March 2018, and
  - (b) each subsequent period of 3 months commencing on the 1st day of April 2018.”.

**Public services card** 20

5. (1) Section 263 (amended by section 15(2) of the Act of 2012) of the Principal Act is amended—
- (a) by the substitution of the following subsection for subsection (1):
    - “(1) The Minister may, subject to subsection (1C), issue a card (in this Act referred to as a ‘public services card’) to a person in such form as the Minister considers fit for— 25
    - (a) the purposes of carrying out a transaction,
    - (b) the purpose specified in subsection (1D), and
    - (c) the purpose specified in subsection (1E).”.
  - (b) in subsection (1A), by the insertion of the following paragraph after paragraph (f): 30
    - “(fa) where a request is made under subsection (1F), the date of birth of that person;”.
  - (c) by the insertion of the following subsections after subsection (1C):
    - “(1D) A person to whom a public services card is issued may use the card for the purpose of providing information in respect of his or her identity to any person, whether a specified body or otherwise, in circumstances other than the carrying out of a transaction. 35

- (1E) A person to whom a public services card is issued may use the card for the purpose of providing information in respect of his or her date of birth to any person, whether a specified body or otherwise, in circumstances other than the carrying out of a transaction.
- (1F) Notwithstanding subsection (1B) and without prejudice to subsection (2), a person— 5
- (a) to whom a public services card has been issued,
  - (b) who is appointed to act on behalf of a person to whom a public services card is issued, or
  - (c) to whom the Minister proposes to issue a public services card, 10  
may request the Minister to inscribe, on the public services card concerned, the date of birth of the person to whom the card is, or is proposed to be, issued.”
- (d) in subsection (3), by the insertion of “carrying out” after “purposes of”,
- (e) by the insertion of the following subsections after subsection (3): 15
- “(3A) A person shall not, subject to subsection (3B), use, or attempt to use, a public services card which has been issued to another person.
  - (3B) Subsection (3A) shall not apply to a person who is appointed to act on behalf of a person to whom a public services card is issued.
  - (3C) A person shall not request or otherwise require a cardholder or an 20  
appointed person to produce to him or her a public services card issued to the cardholder unless the person making the request, or imposing the requirement, is a specified body carrying out a transaction in respect of the cardholder.”
- (f) by the substitution of the following subsection for subsection (4): 25
- “(4) person who fails to comply with—
    - (a) subsection (3A), or
    - (b) subsection (3C),  - is guilty of an offence.”
- and 30
- (g) by the insertion of the following subsections after subsection (4):
- “(5) A public services card shall remain the property of the Minister at all times.
  - (6) In the case of a public services card issued before the coming into 35  
operation of subsection (5), subsection (5) shall be deemed to apply to any such card.”

### **Birth, marriage and death certificates**

6. (1) Section 282 of the Principal Act is repealed.

(2) Where, before the coming into operation of this section—

(a) a written requisition referred to in section 282(1), or

(b) a written request referred to in section 282(2),

had, in accordance with section 282 of the Principal Act, been presented and the certified copy of an entry referred to in subsection (1) or (2) of that section had not been made before such coming into operation, nothing in the repeal of section 282 by subsection (1) shall prevent the provision of the certificate concerned to the person who presented such requisition or request. 5

### **Decisions by deciding officers – electronic applications**

7. Section 300 (amended by section 6 of the Act of 2013) of the Principal Act is amended by the insertion of the following subsections after subsection (2): 10

“(2A) Nothing in this Act shall prevent the Minister from providing for an application to be made by electronic means in respect of a matter specified in subsection (2) and the entitlement or otherwise to any such matter and any such electronic application is without prejudice to subsection (1). 15

(2B) Without prejudice to the generality of subsection (2A), nothing in this Act shall prevent the Minister from providing for the award of a payment in relation to any matter referred to in subsection (2) pursuant to an electronic application. 20

(2C) Where, pursuant to the making of an electronic application referred to in subsection (2A) or the award of a payment referred to in subsection (2B), any question arises in respect of—

(a) that electronic application, including any question as to whether the person who made the application is or was entitled to an award in respect of a matter specified in subsection (2), or 25

(b) that payment, including any question in respect of the amount of the payment, or the rate at which the payment is made or the person to whom it is paid,

shall be decided in accordance with subsection (1).” 30

### **Recovery of certain benefits and assistance**

8. Part 11B (amended by section 12 of the Social Welfare (Miscellaneous Provisions) Act 2015) of the Principal Act is amended—

(a) in section 343O—

(i) in paragraph (f), by the substitution of “Part 3;” for “Part 3.”, and 35

(ii) by the insertion of the following paragraph after paragraph (f):

“(g) supplementary welfare allowance paid under Chapter 9 of Part 3.”,

and

- (b) in section 343P(3), by the substitution of “within 25 working days” for “within 4 weeks”.

**Earnings disregarded for Disability Allowance, Blind Pension and certain supplements payable under Supplementary Welfare Allowance**

9. Schedule 3 of the Principal Act is amended— 5
- (a) in Part 2, in Rule 1(2)(b)(viii), by the deletion of “of a rehabilitative nature”,
  - (b) in Part 4, in Rule 1(2)(b)(iv), by the substitution of “earnings referred to in Rule 1(2)(b)(viii) of Part 2 and Rule 1(2)(b)(x) of Part 5” for “earnings from employment of a rehabilitative nature”,
  - (c) in Part 5, in Rule 1(2)(b), by the deletion of subparagraph (ix), and 10
  - (d) in Part 5, in Rule 1(2)(b)(x), by the deletion of “of a rehabilitative nature”.

PART 3

AMENDMENTS TO PENSIONS ACT 1990

**Definition (*Part 3*)**

10. In this Part “Act of 1990” means the Pensions Act 1990. 15

**Amendment of section 43 of Act of 1990**

11. Section 43 of the Act of 1990 is amended—
- (a) in subsection (1D), by the substitution of “1 year” for “3 years”, and
  - (b) in subsection (2)—
    - (i) by the substitution of “Notwithstanding subsection (3) and subject to 20  
subsections (2A), (3A), (3B) and (4)” for “Subject to subsections (2A), (3),  
(3A), (3B) and (4)”, and
    - (ii) by the substitution of “6 months” for “9 months”.

**Amendment of section 49 of Act of 1990**

12. Section 49 of the Act of 1990 is amended in subsection (2), in paragraph (e) by the 25  
substitution of “the scheme within 6 months of the effective date of” for “the scheme  
with”.

PART 4

AMENDMENTS TO CIVIL REGISTRATION ACT 2004

**Definition (*Part 4*)**

13. In this Part “Act of 2004” means the Civil Registration Act 2004.

**Amendment of section 7 of Act of 2004**

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14. Section 7 of the Act of 2004 is amended—

- (a) by the deletion of subsection (4),
- (b) in subsection (5), by the substitution of “an tArd-Chláraitheoir shall hold office” for “an tArd-Chláraitheoir shall, subject to subsection (4), hold office”, and
- (c) in subsection (7), by the substitution of “subsection (5) does not apply to that person” for “subsections (4) and (5) do not apply to that person”. 10

**Amendment of section 9 of Act of 2004**

15. Section 9 of the Act of 2004 is amended—

- (a) by the deletion of subsection (6), and
- (b) in subsection (7), by the substitution of “an tArd-Chláraitheoir Cúnta shall hold office” for “an tArd-Chláraitheoir Cúnta shall, subject to subsections (6) and (9), hold office”. 15

**Provision to registrar of certain particulars of death by coroners and qualified informants**

16. Section 41 of the Act of 2004 is amended—

- (a) by the insertion of the following subsection after subsection (2): 20
  - “(2A) In preparing a certificate under subsection (1) or (2) the coroner, in so far as is practicable and appropriate—
  - (a) shall inform a qualified informant of the coroner’s duty to submit the certificate of required particulars to the appropriate registrar, and 25
  - (b) may seek any information or assistance, as he or she thinks necessary, from one or more qualified informants, for the purposes of the preparation of the certificate concerned.”,

and

- (b) by the substitution of the following subsection for subsection (4): 30
  - “(4) In this section—
  - ‘appropriate registrar’ means a registrar in the registration area in which the body concerned is lying or was found;
  - ‘qualified informant’ has the meaning assigned to it by section 37.”.

**Amendment of section 61 of Act of 2004**

17. Section 61 of the Act of 2004 is amended by—

(a) the substitution of the following subsection for subsection (2A):

“(2A) Subject to subsections (3) and (4), the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs or a relevant body shall, on application in that behalf by a person to that Minister, or the relevant body, in electronic form and on payment to that Minister or that relevant body of any prescribed fee, consent to a search by that person of the electronic record of— 5

(a) the register maintained under section 13(1)(a), in so far as it relates to births that occurred more than 100 years before the date of the application to search, 10

(b) the register maintained under section 13(1)(d), in so far as it relates to deaths that occurred more than 50 years before the date of the application to search, or 15

(c) the register maintained under section 13(1)(e), in so far as it relates to marriages that occurred more than 75 years before the date of the application to search.”,

(b) the substitution of the following subsection for subsection (2B):

“(2B) For the purposes of subsection (2A), the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, or a relevant body, may keep a record, including an electronic record, of the registers referred to at paragraphs (a), (b) and (c) of subsection (2A).” 20

(c) the insertion of the following subsection after subsection (2B):

“(2C) The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs may by order designate a body, in connection with which functions are performable by him or her, to be a relevant body for the purposes of this section.” 25

(d) the substitution of the following subsection for subsection (6):

“(6) The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, or a relevant body, in addition to an tArd-Chláráitheoir, a Superintendent Registrar, a registrar or an authorised officer, may perform functions referred to in subsection (1)(a) in so far as the functions relate to the search of a record of an index to a register maintained under section 13 and for that purpose that Minister, or that body, may keep such a record, including in electronic form, of such an index.” 30 35

and

(e) the insertion of the following subsection after subsection (6):

“(7) In this section, and section 67, “relevant body” means a body that for the time being stands designated under subsection (2C).” 40

**Amendment of section 67 of Act of 2004**

18. Section 67 of the Act of 2004 is amended by the substitution of the following subsection for subsection (5):

“(5) There shall be payable to the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, or a relevant body, fees of such amounts (if any) as may be prescribed in respect of any performance by that Minister, or that body, of functions under subsection (2A) or (6) of section 61.” 5

**Amendment of First Schedule to Act of 2004**

19. The First Schedule to the Act of 2004 is amended, in Part 5, by the insertion, after “Forename(s), surname, birth surname and address of deceased”, of the following: 10

- (a) “Country of birth (within the meaning of Commission Implementing Regulation (EU) No. 205/2014 of 4 March 2014 laying down uniformed conditions for the implementation of Regulation (EU) No. 1260/2013 of the European Parliament and the Council on European demographic statistics, as regards breakdowns of data, deadlines and data revisions<sup>1</sup>) of the deceased.”; and 15
- (b) “Country of citizenship of the deceased.”.

1 O.J. No. L 65, 5.3.2014, page 10-26.



An Bille Leasa Shóisialaigh, Pinsean agus  
Cláraithe Sibhialta, 2017

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do leasú agus do leathnú na nAchtanna Leasa Shóisialaigh; do leasú Acht na bPinsean, 1990; do leasú an Achta um Chlárú Sibhialta, 2004; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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*An tAire Coimirce Sóisialaí a thíolaic,  
5 Iúil, 2017*

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Social Welfare, Pensions and Civil  
Registration Bill 2017

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# BILL

*(as initiated)*

*entitled*

An Act to amend and extend the Social Welfare Acts; to amend the Pensions Act 1990; to amend the Civil Registration Act 2004; and to provide for related matters.

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*Presented by the Minister for Social Protection,  
5th July, 2017*

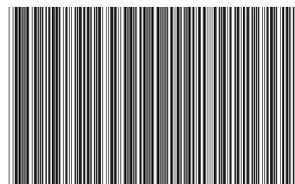
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