



DÁIL ÉIREANN

AN BILLE LEASA SHÓISIALAIGH, PINSEAN AGUS CLÁRAITHE SHIBHIALTA, 2018 SOCIAL WELFARE, PENSIONS AND CIVIL REGISTRATION BILL 2018

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE LEASA SHÓISIALAIGH, PINSEAN AGUS CLÁRAITHE SHIBHIALTA, 2018 —AN TUARASCÁIL

SOCIAL WELFARE, PENSIONS AND CIVIL REGISTRATION BILL 2018 —REPORT

Leasuithe Amendments

1. In page 10, line 11, to delete “30 March 2018” and substitute “1 September 2012”.
—Thomas P. Broughan.
2. In page 10, line 14, to delete “30 March 2018” and substitute “1 September 2012”.
—Thomas P. Broughan.
3. In page 11, between lines 19 and 20, to insert the following:
“(2) Within six months of the passing of this Act, the Minister shall prepare a report into any adverse effects that recent changes (including those introduced in 2012) in the State contributory pension scheme have had on new claimants, including any changes in the bands and in the minimum yearly average contributions required to qualify for the State contributory pension. This shall include a costing of any proposal to reverse such changes where new claimants have been adversely affected by such changes.”.
—Bríd Smith, Gino Kenny, Richard Boyd Barrett.
4. In page 11, after line 39, to insert the following:
“(3) The Minister shall, within six months of the passing of this Act, prepare a report for the House that will report on the effects of lower rates of jobseeker’s allowance for young people and include a costing for the removal of the current lower rates that affect younger claimants.”.
—Bríd Smith, Gino Kenny, Richard Boyd Barrett.
5. In page 12, between lines 24 and 25, to insert the following:
“Exceptional Needs Payment
12. Section 201 of the Social Welfare Consolidation Act 2005 is amended by the addition of “which is not necessarily unforeseen” after “by way of a single payment to meet an exceptional need”.”.
—Thomas P. Broughan.

6. In page 12, between lines 32 and 33, to insert the following:

“Review of carer’s allowance payment

13. The Minister shall conduct a review and lay a report before the Houses of the Oireachtas on the financial hardship faced by carers who must provide full-time care in order to receive carer’s allowance restricting them from taking up other work to supplement their income, examining their access to pension entitlements as well as the barriers to the labour market they face after a period of caring and that the report shall be presented to the Oireachtas Joint Committee on Employment Affairs and Social Protection within 6 months of the enactment of this Bill.”.

—John Brady.

7. In page 15, between lines 2 and 3, to insert the following:

“Review of means testing of maintenance payments

19. The Minister shall conduct a review and lay a report before the Houses of the Oireachtas on the financial effects of the consideration of maintenance payments as household income in the means test for various social welfare payments and that the report shall be presented to the Oireachtas Joint Committee on Employment Affairs and Social Protection within 6 months of the enactment of this Bill.”.

—John Brady.

8. In page 15, between lines 17 and 18, to insert the following:

“(3) Within six months of the passing of this Act, the Minister will prepare a report for the House on the situation of lone parents who foster children but who are not the legal guardians of the children and therefore do not presently qualify for lone parent payments. This report shall examine any cases and provide costings of providing payments in such circumstances.”.

—Brid Smith, Gino Kenny, Richard Boyd Barrett.

9. In page 15, between lines 17 and 18, to insert the following:

“Report on current procedures to seek maintenance

20. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the financial and social effects of the current procedures in place for lone parents to seek maintenance payments, taking into account the effects that this process has on lone parents and their children and that the report shall be presented to the Oireachtas Joint Committee on Employment Affairs and Social Protection within 6 months of the enactment of this Bill.”.

—John Brady.

10. In page 16, between lines 17 and 18, to insert the following:

“Bogus self-employment

22. The Minister shall review the issue of bogus self-employment and its consequences, including the cost to the Exchequer and the implications for those who have been wrongly designated as self-employed and shall bring forward a report on the same within 3 months of this Bill being enacted.”.

—Willie O'Dea.

11. In page 16, between lines 17 and 18, to insert the following:

“Eligibility criteria for CE schemes

22. The Minister shall review the eligibility criteria for CE schemes for those aged 55 and over and, in particular, give consideration to allow those age 55 and over participating on the scheme do so on a continuous basis, until they reach State pension age. The Minister shall bring forward a report on same within 3 months of this Bill being enacted.”.

—Willie O'Dea.

12. In page 16, between lines 17 and 18, to insert the following:

“Tús scheme

22. The Minister shall review the operation of the Tús scheme, in particular, the possibility of allowing Tús scheme participants to extend their participation on the scheme beyond one year with their host group whilst also participating on Jobpath. The Minister shall bring forward a report on same within 3 months of this Bill being enacted.”.

—Willie O'Dea.

13. In page 16, between lines 19 and 20, to insert the following:

“Amendment of Part IV of Pensions Act 1990

22. The Pensions Act 1990 is amended—

(a) in section 44(1) by the deletion of paragraph (b),

(b) in section 48—

(i) in subsection (3) by the deletion of the words “and without the consent of the member concerned”, and

(ii) by the insertion of the following new subsection:

“(A3A) (a) Where the trustees of a relevant scheme intend to apply the resources of a relevant scheme which has been wound up in order to discharge the liability of the scheme for benefits payable to or in respect of any member, the trustees shall consult with members, deferred members, current pensioners and beneficiaries and such

other persons as may be prescribed.

- (b) The trustees of the scheme and the employer shall make such notifications, consult with, and provide such information to members, deferred members, current pensioners and beneficiaries and such other persons as may be prescribed, when and in such manner as may be prescribed in Regulations.
- (c) The trustees shall not resolve the manner in which the resources of a relevant scheme which has been wound up shall be applied in order to discharge the liability of the scheme for benefits payable to or in respect of any member prior to the conclusion of discussions with members, deferred members, current pensioners and beneficiaries and such other persons as may be prescribed.
- (d) The manner in which the trustees may apply the resources of a relevant scheme which has been wound up in order to discharge the liability of the scheme for benefits payable to or in respect of any member shall be subject to the agreement of a majority of members, deferred members, current pensioners and beneficiaries and such other persons as may be prescribed.
- (e) The manner in which the agreement of members, deferred members, current pensioners and beneficiaries of the scheme under paragraph (d) shall be determined shall be prescribed in Regulations.”,

and

- (c) by the insertion of the following:

“Notice to cease contributions

48C. (1) Notwithstanding anything contained in the rules of the scheme, before ceasing contributions to a scheme or taking any action to wind-up the scheme, the employer must serve notice in writing to the Pensions Authority and the trustees of the scheme 12 months before the day on which the employer proposes to terminate its liability to contribute to the scheme.

- (2) Where the trustees of a scheme receive notice from the employer that the employer intends to cease contributions to the scheme and at the date of serving such notice or any date thereafter during the notice period, the scheme does not satisfy the funding standard, the employer shall enter into discussions with the trustees to agree a funding proposal pursuant to section 49 before the expiration of that notice period.
- (3) The trustees of the scheme and the employer shall make such notifications, consult with, and provide such information to members, deferred members, current pensioners and beneficiaries and such other persons as may be prescribed, when and in such manner as may be

prescribed in Regulations.

- (4) The employer shall not cease its contributions to the scheme until the expiration of the notice period.
- (5) The contributions payable by the employer during the contribution period shall be at least the contributions properly payable by the employer to the scheme immediately prior to the notification specified in subsection (1). Where applicable, the employer shall continue to pay the contributions agreed under a funding proposal in accordance with section 49 during the contribution period, notwithstanding any term therein to the contrary, or the expiry of the term of the funding proposal during that contribution period.
- (6) This section is without prejudice to the obligations of the employer, and the powers and obligations of the trustees under the rules of the scheme.
- (7) Following consultation, in such manner as may be prescribed, with the members, deferred members, current pensioners and beneficiaries of the scheme, the trustees and the employer may, subject to the agreement of a majority of members, deferred members, current pensioners and beneficiaries of the scheme agree to a reduction in the notice period and the contribution period under this section, where the trustees assess that such a reduction is not contrary to the interests of the members, deferred members and beneficiaries of the scheme.
- (8) The manner in which the agreement of members, deferred members, current pensioners and beneficiaries of the scheme under subsection (7) shall be determined shall be prescribed in Regulations.
- (9) For the avoidance of doubt—
 - (a) the trustees of the scheme may not resolve to wind-up the scheme until the expiry of the notice period, and
 - (b) the service of any notice by the employer required by this section shall not constitute a wind-up event under the rules of the scheme.
- (10) In this section—

‘contribution period’ means the duration of the notice period;

‘notice period’ means the period of 12 months referred to in subsection (1) and commencing on the date the notification is delivered by the employer to the trustees, or any period less than 12 months agreed by the trustees and the employer under subsection (7).”.”.

—Clare Daly.

14. In page 16, between lines 19 and 20, to insert the following:

“Insertion of new section 48AA into Pensions Act 1990

22. The Pensions Act 1990 is amended by the insertion of the following after section 48A:

“48AA. (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.”.

—John Brady.

15. In page 16, between lines 19 and 20, to insert the following:

“Insertion of new section 48AA into Pensions Act 1990

22. The Pensions Act 1990 is amended by the insertion of the following after section 48A:

“48AA. The Minister shall, within three months of the passing of this Act, bring legislative proposals to the House to insure that defined benefit schemes which have a healthy sponsor, shall be safeguarded from any detrimental changes that would affect workers entitlements.”.

—Bríd Smith, Gino Kenny, Richard Boyd Barrett.

16. In page 19, line 5, to delete “, or in respect of,”.

—An tAire Gnóthai Fostaíochta agus Coimirce Sóisialaí.