



An Bille Leasa Shóisialaigh (Pinsean Páirtnéara faoi Mhéala agus Forálacha Ilghnéitheacha), 2025

Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Bill 2025

*athraithe ó
changed from*

AN BILLE LEASA SHÓISIALAIGH (PINSEAN PÁIRTNÉARA FAOI MHÉALA), 2025
SOCIAL WELFARE (BEREAVED PARTNER'S PENSION) BILL 2025

Mar a leasaíodh sa Roghchoiste um Choimirce Shóisialach, Forbairt Tuaithe agus Pobail
As amended in the Select Committee on Social Protection, Rural and Community Development



**AN BILLE LEASA SHÓISIALAIGH (PINSEAN PÁIRTNÉARA FAOI MHÉALA AGUS
FORÁLACHA ILGHNÉITHEACHA), 2025
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FORÁLACHA ILGHNÉITHEACHA), 2025
SOCIAL WELFARE (BEREAVED PARTNER'S PENSION AND MISCELLANEOUS
PROVISIONS) BILL 2025

Bill

5

entitled

An Act to amend and extend the Social Welfare Acts; to make consequential amendments to the Taxes Consolidation Act 1997; to amend the Family Courts Act 2024; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

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PART 1

PRELIMINARY AND GENERAL

Short title and construction

- (1) This Act may be cited as the Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Act 2025.
- (2) The Social Welfare Acts and this Act (other than *sections 18* and *21*) shall be construed together as one Act.

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Definition

- In this Act, "Principal Act" means the Social Welfare Consolidation Act 2005.

PART 2

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BEREAVED PARTNER'S PENSION

Amendment of section 2 of Principal Act

- Section 2 of the Principal Act is amended, in subsection (1), by the insertion of the following definitions:

“ ‘qualified cohabitant’ shall be construed in accordance with section 123A;

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‘surviving qualified cohabitant’ means one qualified cohabitant of a couple who were both qualified cohabitants of each other and whose qualified cohabitant is deceased;”.

Death benefit for bereaved partners and increases for qualified children, etc.

4. The Principal Act is amended by the substitution of the following section for section 81: 5
- “81. (1) Subject to subsection (2), death benefit shall be payable to the bereaved partner of a deceased partner.
- (2) Subject to sections 241(2) and 242, a bereaved partner whose claim for death benefit is based on being a surviving qualified cohabitant shall, regardless of the date of death of his or her deceased partner, be 10 entitled to a pension under this section from 22 January 2024 or the date of death of the deceased partner, whichever is the later date.
- (3) Death benefit shall be a pension at the weekly rate set out in column (2) of Part 1 of Schedule 2, and where the beneficiary has attained pensionable age and is living alone, that rate shall be increased by the 15 amount set out in column (6) of that Part.
- (4) A bereaved partner shall be disqualified for receiving a pension under subsection (3) if and so long as he or she is a cohabitant.
- (5) A pension under subsection (3) shall cease as and from—
- (a) the date of marriage or remarriage of the beneficiary, 20
 - (b) the date of entry by the beneficiary into a civil partnership or a new civil partnership, or
 - (c) the date on which the beneficiary becomes a qualified cohabitant or again becomes a qualified cohabitant.
- (6) The weekly rate of pension under subsection (3) shall be increased by 25 the amount set out—
- (a) in column (4) of Part 1 of Schedule 2 in respect of each qualified child who has not attained the age of 12 years who normally resides with the beneficiary,
 - (b) in column (5) of Part 1 of Schedule 2 in respect of each qualified 30 child who has attained the age of 12 years who normally resides with the beneficiary,
 - (c) in column (7) of Part 1 of Schedule 2 where the beneficiary has attained the age of 80 years, and
 - (d) in column (8) of Part 1 of Schedule 2 where the beneficiary has 35 attained pensionable age and is ordinarily resident on an island.
- (7) (a) For the purpose of this section, and subject to any regulations under section 123(3), where the death of the deceased partner occurred on or after the date of the passing of the *Social Welfare (Bereaved Partner’s Pension and Miscellaneous Provisions) Act 2025*, a 40

person shall not be considered a bereaved partner if the Minister is satisfied in all the circumstances that—

- (i) in the case of a married couple, the spouses had lived apart and were not in an intimate and committed relationship for a period of at least 2 years immediately preceding the date of death of the deceased spouse, or 5
 - (ii) in the case of a civil partnership, the civil partners had lived apart and were not in an intimate and committed relationship for a period of at least 2 years immediately preceding the date of death of the deceased civil partner. 10
- (b) For the purpose of paragraph (a)—
- (i) spouses who live in the same dwelling as one another shall be considered as living apart from one another if the Minister is satisfied that, while so living in the same dwelling, the spouses do not live together as a couple in an intimate and committed relationship, 15
 - (ii) civil partners who live in the same dwelling as one another shall be considered as living apart from one another if the Minister is satisfied that, while so living in the same dwelling, the spouses do not live together as a couple in an intimate and committed relationship, 20
 - (iii) a relationship does not cease to be an intimate relationship merely because it is no longer sexual in nature.
- (8) In this section, ‘bereaved partner’ and ‘deceased partner’ each have the meaning given to them in section 123.”. 25

Chapter 18 - Interpretation

5. The Principal Act is amended by the substitution of the following section for section 123:

“123. (1) Subject to subsection (2), in this Chapter—

‘Act of 2025’ means the *Social Welfare (Bereaved Partner’s Pension and Miscellaneous Provisions) Act 2025*; 30

‘bereaved partner’ means a widow, a widower, a surviving civil partner or a surviving qualified cohabitant;

‘civil partner’—

- (a) shall not include a person who would otherwise be a civil partner but for the fact that his or her civil partnership has been dissolved, being a dissolution that is recognised as valid in the State, and 35
- (b) in relation to a surviving civil partner who has been party to a civil partnership more than once, refers only to the surviving civil partner’s last civil partner;

‘deceased partner’ means, in respect of a bereaved partner, the last deceased spouse, civil partner or qualified cohabitant, as the case may be, of the bereaved partner;

‘medical institution’ means—

- (a) a hospital, 5
- (b) a nursing home within the meaning of the Nursing Homes Support Scheme Act 2009, or
- (c) such other medical institution as may be prescribed;

‘pension’ means a bereaved partner’s (contributory) pension payable in respect of a deceased partner; 10

‘relevant time’ means—

- (a) where the contribution conditions are being satisfied on the bereaved partner’s insurance record—
 - (i) the date of death of the deceased partner,
 - (ii) where the bereaved partner attained pensionable age before the date of death of the deceased partner, the date on which he or she attained that age, or 15
 - (iii) where the bereaved partner is a person born on or after 1 January 1958, who has attained pensionable age and has paid qualifying contributions or voluntary contributions after attaining pensionable age and before the date of death of the deceased partner, the date upon which the last such qualifying contribution or voluntary contribution was paid, 20

or

- (b) where the contribution conditions are being satisfied on the deceased partner’s insurance record— 25
 - (i) the date on which the deceased partner attained pensionable age,
 - (ii) where the deceased partner died before attaining pensionable age, the date of his or her death, or
 - (iii) where the deceased partner was a person born on or after 1 January 1958, who had attained pensionable age and had paid qualifying contributions or voluntary contributions after attaining pensionable age, the date upon which the last such qualifying contribution or voluntary contribution was paid; 30

‘spouse’, in relation to a widow or widower who has been married more than once, refers only to the widow’s or widower’s last spouse; 35

‘widow’ shall not include a woman who would otherwise be a widow but for the fact that her marriage has been dissolved, being a dissolution that is recognised as valid in the State;

‘widower’ shall not include a man who would otherwise be a widower but for the fact that his marriage has been dissolved, being a dissolution that is recognised as valid in the State;

‘yearly average’ means the average per contribution year of contribution weeks in respect of which the bereaved partner or deceased partner, as the case may be, has qualifying contributions, voluntary contributions or credited contributions in the appropriate period specified in section 125(1)(b) and where the average so calculated is a fraction of a whole number consisting of one-half or more it shall be rounded up to the nearest whole number and where it is a fraction of less than one-half it shall be rounded down to the nearest whole number.

(2) (a) For the purposes of this Chapter, Chapter 21 and Chapter 6 of Part 3 and subject to any regulations under subsection (3), where the death of the deceased partner occurred on or after the date of the passing of the *Act of 2025*, a person shall not be considered a bereaved partner if the Minister is satisfied in all the circumstances that—

(i) in the case of a married couple, the spouses had lived apart and were not in an intimate and committed relationship for a period of at least 2 years immediately preceding the date of death of the deceased spouse, or

(ii) in the case of a civil partnership, the civil partners had lived apart and were not in an intimate and committed relationship for a period of at least 2 years immediately preceding the date of death of the deceased civil partner.

(b) For the purpose of paragraph (a)—

(i) spouses who live in the same dwelling as one another shall be considered as living apart from one another if the Minister is satisfied that, while so living in the same dwelling, the spouses do not live together as a couple in an intimate and committed relationship,

(ii) civil partners who live in the same dwelling as one another shall be considered as living apart from one another if the Minister is satisfied that, while so living in the same dwelling, the spouses do not live together as a couple in an intimate and committed relationship,

(iii) a relationship does not cease to be an intimate relationship merely because it is no longer sexual in nature.

(3) The Minister may by regulations—

(a) specify the circumstances (including residence in a medical institution) in which, and the periods during which (including periods longer than 2 years), spouses who are in an intimate and committed relationship but are living apart may, for the purpose of

subsection (2)(a)(i) and section 81, be deemed to be periods when they are living together, and

- (b) specify the circumstances (including residence in a medical institution) in which, and the periods during which (including periods longer than 2 years), civil partners who are in an intimate and committed relationship but are living apart may, for the purpose of subsection (2)(a)(ii) and section 81, be deemed to be periods when they are living together.”.

Qualified cohabitant

6. The Principal Act is amended by the insertion of the following section after section 123: 10

“123A. (1) For the purposes of this Act, and subject to subsections (2) to (4), a person shall be a qualified cohabitant if—

- (a) the person is one of 2 adults (whether of the same or the opposite sex) who are not related to each other within the prohibited degrees of relationship or married to each other or civil partners of each other and who have been living together in an intimate and committed relationship as a couple— 15

- (i) for a period of 2 years or more, in a case where there are one or more children of the relationship, and

- (ii) for a period of 5 years or more, in any other case, 20

or

- (b) the person—

- (i) is a person referred to in paragraph (a) on the date of death of his or her deceased partner, or

- (ii) is a person referred to in paragraph (a) whose relationship ended not more than 2 years before the date of death of his or her deceased partner. 25

- (2) For the purpose of this Act—

- (a) 2 adults are within a prohibited degree of relationship if they would be prohibited from marrying each other in the State, or they are in a relationship referred to in the Third Schedule to the Civil Registration Act 2004, 30

- (b) qualified cohabitants who live in the same dwelling as one another shall be considered as living apart from one another if the Minister is satisfied that, while so living in the same dwelling, the qualified cohabitants do not live together as a couple in an intimate and committed relationship, 35

- (c) a relationship does not cease to be an intimate relationship merely because it is no longer sexual in nature,

- (d) subject to any regulations under subsection (4)(b), a person shall not be a qualified cohabitant if he or she had been living apart from the person in relation to whom a claim is based for more than 2 years before that person's death, and
 - (e) a reference to a 'qualified cohabitant' in relation to a person who has been a qualified cohabitant more than once, refers only to the last qualified cohabitant of the person concerned. 5
- (3) In determining whether or not a person is a qualified cohabitant, the Minister shall take into account all the circumstances of the relationship in question and in particular shall have regard to the following: 10
- (a) the duration of the relationship;
 - (b) the basis on which the couple lived together;
 - (c) the degree of financial dependence of either adult on the other and any agreements in respect of their finances; 15
 - (d) the degree and nature of any financial arrangements between the adults including any joint purchase of an estate or interest in land or joint acquisition of personal property;
 - (e) whether there are one or more children of the relationship;
 - (f) any payment under this Act payable to one or both of the adults and the conditions in relation to the payment; 20
 - (g) the degree to which the adults present themselves to others as a couple;
 - (h) whether one of the adults cares for and supports the children of the other. 25
- (4) (a) The Minister may, for the purposes of section 81, this Chapter, Chapter 21 of Part 2 and Chapter 6 of Part 3, by regulations, make provision in relation to the documentary proof, including information or specific documentation to be provided by a person in support of an application, where any of the matters specified in subsection (3) are relied on for a claim based on the person being a qualified cohabitant and, notwithstanding the generality of the foregoing, any such regulations may provide for— 30
- (i) any additional evidence that may be offered by a person to demonstrate the nature, extent and duration of the relationship, 35
 - (ii) such other matters as the Minister considers appropriate for the purposes of section 81, this Chapter, Chapter 21 of Part 2 and Chapter 6 of Part 3,
- (b) The Minister may by regulations specify the circumstances (including residence in a medical institution) in which, and periods during which (including periods longer than 2 years), qualified cohabitants who are in an intimate and committed relationship but 40

are living apart may, for the purpose of subsection (2)(d), be deemed to be periods when they are living together.

- (5) The question as to whether a person is a qualified cohabitant, there being no legal impediment, in accordance with subsection (2), to such a determination, is a question that may be decided by a deciding officer having taken into account the matters specified in subsection (3), including any information or documentation required in accordance with any regulations made under subsection (4). 5
- (6) In this section, ‘child of the relationship’ means any child of whom both of the qualified cohabitants are the parents.”. 10

Repeal of section 124 of Principal Act

7. Section 124, insofar as it is still in operation, of the Principal Act is repealed.

Entitlement to bereaved partner’s pension

8. The Principal Act is amended by the insertion of the following section:

- “124A. (1) Subject to this Act, a bereaved partner shall be entitled to a pension— 15
- (a) where the contribution conditions set out in section 125(1) are satisfied on either the insurance record of the bereaved partner or that of his or her deceased partner,
- (b) where the deceased partner was entitled to a State pension (contributory) which included an increase in respect of the bereaved partner by virtue of section 112(1) in respect of a period ending on the deceased partner’s death, or 20
- (c) where the deceased partner would have been entitled to a State pension (contributory) at an increased weekly rate by virtue of section 112(1), in the deceased partner’s own right, in respect of a period ending on his or her death, but for the receipt by the bereaved partner of a State pension (non-contributory), a blind pension or a carer’s allowance. 25
- (2) Subject to sections 241(2) and 242, a bereaved partner whose claim is based on being a surviving qualified cohabitant shall, regardless of the date of death of his or her deceased partner, be entitled to a pension under this section from 22 January 2024 or the date of death of the deceased partner, whichever is the later date. 30
- (3) A bereaved partner shall be disqualified for receiving a pension under this section if and so long as he or she is a cohabitant. 35
- (4) A pension under this section shall cease as and from—
- (a) the date of marriage or remarriage of the beneficiary,
- (b) the date of entry by the beneficiary into a civil partnership or a new civil partnership, or

- (c) the date on which the beneficiary becomes a qualified cohabitant or again becomes a qualified cohabitant.”.

Operation of section 124A and repeal of section 124-savers

9. The Principal Act is amended by the insertion of the following section after section 124A:

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“124B. (1) Notwithstanding anything in section 124A, a person who—

- (a) by virtue of being a woman who would otherwise have been a widow but for the fact that her marriage was dissolved, being a dissolution that was recognised as valid in the State—

- (i) was in receipt of a widow’s (contributory) pension on the passing of the *Act of 2025*, or 10

- (ii) would have been entitled to a widow’s (contributory) pension immediately before the passing of the *Act of 2025* by virtue of the date of death of her husband preceding such passing,

- (b) by virtue of being a man who would otherwise have been a widower but for the fact that his marriage was dissolved, being a dissolution that was recognised as valid in the State— 15

- (i) was in receipt of a widower’s (contributory) pension on the passing of the *Act of 2025*, or

- (ii) would have been entitled to a widower’s (contributory) pension immediately before the passing of the *Act of 2025* by virtue of the date of death of his wife preceding such passing, 20

or

- (c) by virtue of being a person who would have been a surviving civil partner but for the fact that his or her civil partnership was dissolved, being a dissolution that was recognised as valid in the State, where he or she— 25

- (i) was in receipt of a surviving civil partner’s (contributory) pension on the passing of the *Act of 2025*, or

- (ii) would have been entitled to a surviving civil partner’s (contributory) pension immediately before the passing of the *Act of 2025* by virtue of the date of death of his or her civil partner preceding such passing, 30

shall, on the passing of the *Act of 2025*, having satisfied the conditions in subsection (1) of section 124A, be regarded as being entitled to a bereaved partner’s pension. 35

- (2) Notwithstanding the repeal of section 124 by *section 7* of the *Act of 2025*, a person who immediately before the passing of that Act was entitled to a pension in accordance with subsection (4) of section 124, shall continue to be entitled to a pension as if that section was still in operation. 40

(3) In this section—

‘civil partner’s (contributory) pension’, ‘surviving civil partner’, ‘widow’, ‘widow’s (contributory) pension’, ‘widower’ and ‘widower’s (contributory) pension’ each have the same meaning as they had in this Act before the passing of the *Act of 2025*.”.

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Amendment of section 125 of Principal Act

10. Section 125 of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) The contribution conditions for pension are—

(a) that the bereaved partner has qualifying contributions in respect of not less than 260 contribution weeks in the period beginning with his or her entry into insurance and ending immediately before the relevant time, and 10

(b) that, where at the relevant time, 4 years or longer has elapsed since the bereaved partner’s entry into insurance— 15

(i) the yearly average for the 3 contribution years, or (where warranted by his or her insurance record) 5 contribution years, ending with the end of the last complete contribution year before the relevant time is not less than 39, or

(ii) the yearly average in respect of the period commencing at the beginning of the contribution year in which his or her entry into insurance occurred and ending at the end of the last complete contribution year before the relevant time is not less than 48, 20

but, where those conditions are not satisfied on the bereaved partner’s insurance record, they may be satisfied on his or her deceased partner’s insurance record, (the bereaved partner’s insurance record being disregarded).”.

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Bereaved parent grant

11. Part 2 of the Principal Act is amended by the substitution of the following Chapter for Chapter 21:

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“CHAPTER 21

Bereaved Parent Grant

Entitlement to bereaved parent grant

137. (1) Subject to this Act, a grant (in this section referred to as a ‘bereaved parent grant’) of €8,000, or any higher amount that may be prescribed, shall be paid to a bereaved partner on the death, on or after the passing of the *Social Welfare (Bereaved Partner’s Pension and Miscellaneous Provisions) Act 2025*, of his or her spouse, civil partner or qualified 35

cohabitant, as the case may be, where the bereaved partner is entitled to or in receipt of—

- (a) death benefit under section 81,
 - (b) bereaved partner's (contributory) pension under Chapter 18 of Part 2, 5
 - (c) bereaved partner's (contributory) pension under Chapter 18 of Part 2 by virtue of Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004¹ on the coordination of social security systems, or by virtue of a reciprocal arrangement under section 287, 10
 - (d) one-parent family payment,
 - (e) State pension (contributory), or
 - (f) State pension (non-contributory),
- which includes an increase in respect of a qualified child.

- (2) In this Chapter— 15
- ‘spouse’ has the meaning given to it in section 123;
- ‘bereaved partner’ means a bereaved partner (within the meaning of Chapter 18)—
- (a) who has at least one qualified child who normally resides with him or her at the date of death of his or her spouse, civil partner (within the meaning of Chapter 18) or qualified cohabitant, as the case may be, or 20
 - (b) whose child is born within 10 months of the date of death of her spouse, civil partner or qualified cohabitant, as the case may be.”.

Amendment of section 162 of Principal Act 25

12. The Principal Act is amended in section 162—

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

“(1) In this Chapter, save where the context otherwise requires—

- ‘bereaved partner’ has the meaning given to it in section 123;
- ‘civil partner’ has the meaning given to it in section 123; 30
- ‘deceased partner’ has the meaning given to it in section 123;
- ‘pension’ means a bereaved partner's (non-contributory) pension;
- ‘weekly means’ shall, subject to Rule 1(1) of Part 5 of Schedule 3, be the yearly means divided by 52;
- ‘widow’ has the meaning given to it in section 123; 35
- ‘widower’ has the meaning given to it in section 123.”.

1 OJ No. L 166, 30.4.2004, p.1

and

(b) in subsection (2)—

(i) by the insertion of the following paragraph after paragraph (a):

“(aa) a bereaved partner who—

(i) has married or remarried,

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(ii) has entered into a civil partnership or entered into a new civil partnership, or

(iii) becomes a qualified cohabitant or again becomes a qualified cohabitant,

shall not be regarded as the bereaved partner of his or her former spouse, civil partner or qualified cohabitant, as the case may be.”,

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and

(ii) by the deletion of paragraphs (b) and (c).

Entitlement to pension

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13. The Principal Act is amended by the substitution of the following section for section 163:

“**163.** (1) Subject to this Act, a pension shall be payable to a bereaved partner who has not attained pensionable age.

(2) A pension shall cease as and from—

(a) the date of marriage or remarriage of the beneficiary,

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(b) the date of entry by the beneficiary into a civil partnership or a new civil partnership, or

(c) the date on which the beneficiary becomes a qualified cohabitant or again becomes a qualified cohabitant.

(3) A person shall not be entitled to a pension under this section unless he or she is habitually resident in the State.

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(4) A person whose claim is based on being a surviving qualified cohabitant shall be entitled to a pension under this section on the death, on or after the passing of the *Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Act 2025*, of his or her qualified cohabitant.”.

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Disqualification

14. The Principal Act is amended by the substitution of the following section for section 166:

“**166.** A bereaved partner shall be disqualified for receiving a pension if and so long as he or she is a cohabitant.”.

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Avoidance of double pension

15. The Principal Act is amended by the substitution of the following section for section 167:

“**167.** Where a bereaved partner would, but for this section, be entitled to both a bereaved partner’s (contributory) pension and a pension under this Chapter, the latter pension shall not be payable except insofar as is provided by regulations under section 247.”. 5

Repeal of section 167A of Principal Act

16. Section 167A of the Principal Act is repealed.

Consequential amendments to Principal Act

17. The Principal Act is amended— 10

- (a) in section 21(1)(e), by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension”,
- (b) in section 26(2), by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension”, 15
- (c) in section 39(1)—
 - (i) by the substitution of the following paragraph for paragraph (k):

“(k) bereaved partner’s (contributory) pension,”,

and 20
 - (ii) by the substitution of the following paragraph for paragraph (n):

“(n) bereaved parent grant (paid by virtue of receipt of a benefit under Part 2).”,
- (d) in section 139(1)—
 - (i) by the substitution of the following paragraph for paragraph (e): 25

“(e) bereaved partner’s (non-contributory) pension and guardian’s payment (non-contributory),”,

and
 - (ii) by the substitution of the following paragraph for paragraph (f):

“(f) bereaved parent grant (paid by virtue of one-parent family payment or State pension (non-contributory) under this Part),”, 30
- (e) in section 142(1)(a)(ii), by the substitution of the following clause for clause (IA):

“(IA) bereaved partner’s (non-contributory) pension, but has ceased to be entitled to that pension by virtue of no longer being regarded as a bereaved partner within the meaning of section 162(1), or”, 35

- (f) in section 159, by the substitution of “bereaved partner’s (non-contributory) pension” for “widow’s (non-contributory) pension, widower’s (non-contributory) pension or surviving civil partner’s (non-contributory) pension” in each place that it occurs,
 - (g) in section 160, by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension” in each place that it occurs, 5
 - (h) in section 161E—
 - (i) in subsection (1), by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension or widower’s (contributory) pension or surviving civil partner’s (contributory) pension”, 10
 - (ii) in subsection (2), by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension”, and
 - (iii) in subsection (3), by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension”, 15
 - (i) in section 238B(3)(a)(ii), by the substitution of “bereaved parent grant” for “widowed or surviving civil partner grant”,
 - (j) in section 241— 20
 - (i) in subsection (2)—
 - (I) in paragraph (a), by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension”, and 25
 - (II) by the substitution of the following paragraph for paragraph (c):
 - “(c) in the case of jobseeker’s benefit, jobseeker’s benefit (self-employed), jobseeker’s pay-related benefit, Covid-19 pandemic unemployment payment, health and safety benefit, adoptive benefit, paternity benefit, parent’s benefit, occupational injuries benefit (other than disablement benefit under section 75, an increase in disablement benefit under sections 77 and 78 or death benefit by way of pension under sections 81 and 83), carer’s benefit, bereavement grant, bereaved parent grant, jobseeker’s allowance, pre-retirement allowance, State pension (non-contributory), blind pension, bereaved partner’s (non-contributory) pension, guardian’s payment (non-contributory), one-parent family payment, carer’s allowance, farm assist, working family payment and back to work family dividend, in respect of any period before the date on which the claim is made,” 30 35 40
- and

- (ii) in subsection (2A), in paragraph (b), by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension”,
- (k) in section 244(1)(c)(ii), by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension widower’s (contributory) pension or surviving civil partner’s (contributory) pension”, 5
- (l) in section 247, by the substitution of “bereaved parent grant” for “widowed or surviving civil partner grant” in each place that it occurs,
- (m) in section 247A, by the substitution of “bereaved parent grant,” for “widowed parent grant,” in each place that it occurs, 10
- (n) in section 247B(1)—
 - (i) in paragraph (a), by the substitution of the following subparagraph for subparagraph (iv):
 - “(iv) bereaved parent grant,”,
 15

and
 - (ii) in paragraph (c), by the substitution of the following subparagraph for subparagraph (iii):
 - “(iii) a bereaved parent grant,”,
- (o) in section 248— 20
 - (i) in subsection (1), in the definition of “benefit”, by the substitution of the following paragraph for paragraph (p):
 - “(p) bereaved partner’s (contributory) pension,”,
 and
 - (ii) in subsection (2)(f)— 25
 - (I) by the substitution of “bereaved partner’s (contributory) pension, bereaved partner’s (non-contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension, widow’s (non-contributory) pension, widower’s (non-contributory) pension, surviving civil partner’s (non-contributory) pension”, and 30
 - (II) by the substitution of “being a bereaved partner,” for “being a widow or widower,”,
- (p) in section 249—
 - (i) in subsection (5), by the substitution of “and bereaved parent grant,” for “and widowed or surviving civil partner grant,”, 35
 - (ii) in subsection (10), by the substitution of “bereaved partner’s (non-contributory) pension,” for “widow’s (non-contributory) pension,

widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension," and

- (iii) in subsection (13), by the substitution of the following paragraph for paragraph (c):

"(c) In this subsection, 'pension' means a bereaved partner's (non-contributory) pension or guardian's payment (non-contributory).",

- (q) in section 285—

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

"(1) In assessing damages in any action under the Fatal Injuries Act 1956 or Part IV of the Civil Liability Act 1961, whether commenced before or after 24 February 1981, there shall not be taken into account any child benefit, bereaved partner's (contributory) pension, guardian's payment (contributory), one-parent family payment in the case of a person who qualifies for that payment by virtue of being a bereaved partner, bereaved partner's (non-contributory) pension or guardian's payment (non-contributory).",

and

- (ii) in subsection (2), by the substitution of "bereaved partner's (non-contributory) pension," for "widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension,"

- (r) in Schedule 2, in Column 1 of Part 1—

- (i) by the substitution of the following reference for reference No. 2 (a):

"(a) pension payable to a bereaved partner (section 81):
additional increase for a bereaved partner (under section 81)
who has attained pensionable age",

and

- (ii) by the substitution of the following reference for reference No. 5:

"Bereaved Partner's (Contributory) Pension and a payment referred to in paragraph (a) of the definition of 'relevant payment' in section 178(1):

Additional increase for beneficiary who has attained pensionable age",

and

- (s) in Schedule 4, in Column 1 of Part 1, by the substitution of the following reference for reference No. 6:

"Bereaved Partner's (Non-Contributory) Pension and a payment referred to in paragraph (b) or (c) of the definition of 'relevant payment' in section 178(1)".

Amendment of section 126 of Taxes Consolidation Act 1997

18. Section 126 of the Taxes Consolidation Act 1997 is amended—

(a) in subsection (2)(a)—

(i) by the substitution of the following subparagraph for subparagraph (i):

“(i) bereaved partner’s (contributory) pension,”, 5

(ii) in subparagraph (iii), by the substitution of “pension,” for “pension, and”,

(iii) in subparagraph (iv), by the substitution of “pension, and” for “pension.”, and

(iv) by the insertion of the following subparagraph after subparagraph (iv):

“(v) bereaved partner’s (non-contributory) pension.”, 10

and

(b) by the substitution of the following Table for the Table to the section:

“TABLE

Description of payment (1)	Basis on which payment is made (2)	15
Basic supplementary welfare allowance	Section 189 of the Act of 2005	
Back to education allowance	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Back to education allowance’	
Back to work enterprise allowance	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Back to work enterprise allowance’	20
Back to school clothing and footwear allowance	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Back to school clothing and footwear allowance’	25
Bereaved Parent grant	Section 137 of the Act of 2005	
Carer’s support grant	Section 225 of the Act of 2005	
Constant attendance allowance	Section 78 of the Act of 2005	
Death benefit – funeral expenses	Section 84 of the Act of 2005	30
Death benefit – orphans	Section 83 of the Act of 2005	
Direct provision allowance	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Direct provision allowance’	
Disability allowance	Section 210 of the Act of 2005	35
Disablement gratuity	Section 75(8) of the Act of 2005	
Domiciliary care allowance	Section 186F of the Act of 2005	
Exceptional needs payment	Section 201 of the Act of 2005	
Farm assist	Section 214 of the Act of 2005	
Fuel allowance	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Fuel allowance’	40
Guardian’s payment (contributory)	Section 130 of the Act of 2005	
Guardian’s payment (non-contributory)	Section 168 of the Act of 2005	

Household benefit package	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Household benefit package’	
Humanitarian assistance payment	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Humanitarian assistance payment’	5
Jobseeker’s allowance	Section 141 of the Act of 2005	
Jobseeker’s transitional payment	Section 148A of the Act of 2005	
Medical care	Section 86 of the Act of 2005	
Part-time job incentive scheme	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Part-time job incentive scheme’	10
Rent allowance	Section 23 of the Housing (Private Rented Dwellings) Act 1982	
Supplementary welfare allowance	Section 198 of the Act of 2005	15
Telephone support allowance	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Telephone support allowance’	
Training support grant	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Training support grant’	20
Urgent needs payment other than the payments referred to in <i>subsection (3)(a)(iib)</i>	Section 202 of the Act of 2005	
Working family payment	Section 228 of the Act of 2005	25
Youth employment support scheme	A payment made under a scheme administered by the Minister for Social Protection and known as ‘Youth employment support scheme’	

”.

PART 3

30

MISCELLANEOUS AMENDMENTS TO PRINCIPAL ACT AND FAMILY COURTS ACT 2024

Invalidity Pension

19. The Principal Act is amended—

(a) in section 113A—

(i) in subsection (1) by the insertion of “, and subject to subsection (1A),” after “under this Chapter”, and 35

(ii) by the insertion of the following subsection after subsection (1):

“(1A) In the case of a person who, on the date of passing of the *Social Welfare (Bereaved Partner’s Pension and Miscellaneous Provisions) Act 2025*, has attained pensionable age and is in receipt of a payment under Chapter 17 of this Part, the following shall apply on and after that date: 40

(a) invalidity pension shall cease to be payable, and

- (b) State pension (contributory) shall be payable in accordance with this section.”,
- (b) in section 118, by the substitution of the following subsection for subsection (1):
- “(1) Subject to this Act, a person shall be entitled to invalidity pension where he or she—
- (a) is under pensionable age,
- (b) is permanently incapable of working in insurable employment or insurable self-employment, and the reason for which incapacity is as a direct result of the person concerned being incapable of work and for no other reason,
- (c) would be available to work in insurable employment or insurable self-employment were it not for this incapacity, and
- (d) satisfies the contribution conditions in section 119.”,
- (c) in section 122, by the deletion of subsection (5), and
- (d) in Part 1 of Schedule 2, by the substitution of the following reference for reference 4:
- “

Invalidity Pension:	249.50	178.30	50.00	62.00	22.00	-	20.00
additional increase where a qualified adult has attained pensionable age before 2 January 2014	-	81.10	-	-	-	-	-

”.

Attendance at, and participation in, questioning of detained person by relevant officers during interview by member of An Garda Síochána

20. The Principal Act is amended by the insertion of the following section after section 250B:

“**250C.** (1) Where a member of An Garda Síochána arrests, whether in a Garda Síochána station or elsewhere, a person whom he or she, with reasonable cause, suspects of committing or of having committed an offence under section 262A and the person has been taken to and detained in a Garda Síochána station, or if the person is arrested in a Garda Síochána station, has been detained pursuant to section 4 of the Act of 1984, a relevant officer or officers (but not more than 2 such officers) may, if and for so long as the officer or officers is, or are, accompanied by a member of An Garda Síochána, attend at, and

participate in, the questioning of a person so detained in connection with the investigation of the offence, but only if the member of An Garda Síochána requests the relevant officer or officers to do so and the member is satisfied that the attendance at, and participation in, such questioning of the relevant officer or officers is necessary for the proper investigation of the offence concerned. 5

- (2) A relevant officer who attends at, and participates in, the questioning of a person in accordance with subsection (1) may not commit any act or make any omission which, if committed or made by a member of An Garda Síochána, would be a contravention of any regulation made under section 7 of the Act of 1984. 10
- (3) An act committed, or omission made, by a relevant officer who attends at, and participates in, the questioning of a person in accordance with subsection (1) which, if committed or made by a member of An Garda Síochána, would be a contravention of any regulation made under section 7 of the Act of 1984 shall not of itself render the relevant officer liable to any criminal or civil proceedings or of itself affect the lawfulness of the custody of the detained person or the admissibility in evidence of any statement made by him or her. 15
- (4) Where a person is before a court charged with an offence under section 262A, a copy of any recording of the questioning of the person by a member of An Garda Síochána or relevant officer while he or she was detained in a Garda Síochána station, or such questioning elsewhere, in connection with the investigation of the offence shall be given to the person or his or her legal representative only if the court so directs and subject to such conditions (if any) as the court may specify. 20 25
- (5) A recording referred to in subsection (4) of the questioning of a person shall not be given to the person by An Garda Síochána except in accordance with a direction or order of a court made under that subsection or otherwise. 30
- (6) A court may admit in evidence at the trial of a person in respect of an offence under section 262A—
- (a) a recording by electronic or similar means, or
- (b) a transcript of such a recording, 35
- or both, of the questioning of the person by a member of An Garda Síochána or relevant officer at a Garda Síochána station or elsewhere in connection with the investigation of the offence.
- (7) Any statement made by the person concerned that is recorded in a recording which is admitted in evidence under subsection (6) may be admissible in evidence at the trial concerned notwithstanding the fact that— 40
- (a) it was not taken down in writing at the time it was made, or

- (b) that statement is not in writing and signed by the person who made it,
or both.
- (8) Subsections (6) and (7) shall not affect the admissibility in evidence at the trial of a person in respect of an offence of any statement that is recorded in writing made by the person during questioning by a member of An Garda Síochána or relevant officer at a Garda Síochána station or elsewhere in connection with the investigation of the offence (whether or not that statement is signed by the person) and irrespective of whether the making of that statement is recorded by electronic or similar means.
- (9) In this section—
‘Act of 1984’ means the Criminal Justice Act 1984;
‘recording’ means a recording on tape of—
(a) an oral communication, statement or utterance, or
(b) a series of visual images which, when reproduced on tape, appear as a moving picture,
or both;
‘relevant officer’ means—
(a) a social welfare inspector, or
(b) an authorised officer within the meaning of section 250A;
‘tape’ includes—
(a) a disc, magnetic tape, soundtrack or other device in which sounds or signals may be embodied for the purpose of being reproduced (with or without the aid of some other instrument) in audible form, and
(b) a film, disc, magnetic tape or other device in which visual images may be embodied for the purpose of being reproduced (with or without the aid of some other instrument) in visual form.”.

Amendment of Family Courts Act 2024

21. Schedule 2 to the Family Courts Act 2024 is amended, in item 6—

- (a) insofar as it relates to the amendment of section 142A(4)(d)(ii)(I)(A) of the Principal Act, by the substitution of “Part III of the Child Care Act 1991, or” for “Part III of the Child Care Act 1991, and”, and
- (b) insofar as it relates to the amendment of section 197(3)(b)(ii)(I)(A) of the Principal Act, by the substitution of “Part III of the Child Care Act 1991, or” for “Part III of the Child Care Act 1991, and”.

An Bille Leasa Shóisialaigh (Pinsean
Páirtnéara faoi Mhéala agus Forálacha
Ilghnéitheacha), 2025

athraithe ó

AN BILLE LEASA SHÓISIALAIGH (PINSEAN
PÁIRTNÉARA FAOI MHÉALA), 2025

BILLE

*(mar a leasaíodh sa Roghchoiste um Choimirce
Shóisialach, Forbairt Tuaithe agus Pobail)*

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna Leasa
Shóisialaigh; do dhéanamh leasuithe
iarmhartacha ar an Acht Comhdhlúite Cánacha,
1997; do leasú Acht na gCúirteanna Teaghlaigh,
2024; agus do dhéanamh socrú i dtaobh nithe
gaolmhara.

*Ordaíodh ag an Roghchoiste a chlóbhualadh,
25 Meitheamh, 2025*

Social Welfare (Bereaved Partner's Pension
and Miscellaneous Provisions) Bill 2025

changed from

SOCIAL WELFARE (BEREAVED PARTNER'S
PENSION) BILL 2025

BILL

*(as amended in the Select Committee on Social
Protection, Rural and Community Development)*

entitled

An Act to amend and extend the Social Welfare
Acts; to make consequential amendments to the
Taxes Consolidation Act 1997; to amend the
Family Courts Act 2024; and to provide for
related matters.

*Ordered by the Select Committee to be printed,
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