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SOCIAL WELFARE ACT, 1999

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SOCIAL WELFARE ACT, 1999

AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE ACTS, SECTION 7A OF THE HEALTH CONTRIBUTIONS ACT, 1979, THE YOUTH EMPLOYMENT AGENCY ACT, 1981, AND THE PENSIONS ACT, 1990. [*1st April, 1999*]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY

Short title and construction.

1.—(1) This Act may be cited as the Social Welfare Act, 1999.

(2) The Social Welfare Acts and this Act (other than *Parts VII* and *VIII*) shall be construed together as one.

Definitions.

2.—In this Act—

“the Act of 1995” means the Social Welfare Act, 1995;

“the Act of 1996” means the Social Welfare Act, 1996;

“the Act of 1997” means the Social Welfare Act, 1997;

“the Act of 1998” means the Social Welfare Act, 1998;

“the No. 2 Act of 1993” means the Social Welfare (No. 2) Act, 1993;

“the Principal Act” means the Social Welfare (Consolidation) Act, 1993.

Continuance of instruments.

3.—An instrument that is made under a provision of the Principal Act that is amended by this Act and that is in force immediately before the commencement of the amendment shall continue in force as if made under the provision so amended.

PART II

INCREASES

Social insurance
benefits (new rates).

4.—(1) The Principal Act is hereby amended by the substitution for Parts I to IV (inserted by section 4 of the Act of 1998) and Part V of the Second Schedule thereto of the Parts set out in *Schedule A* to this Act.

(2) This section shall come into operation—

- (a) in so far as it relates to death benefit under section 63 and bereavement grant (inserted by *section 19* of this Act), on the 6th day of April, 1999,
- (b) in so far as it relates to unemployment benefit, on the 27th day of May, 1999,
- (c) in so far as it relates to disability benefit, health and safety benefit, injury benefit and disablement gratuity on the 31st day of May, 1999,
- (d) in so far as it relates to retirement pension, invalidity pension and a relevant payment by virtue of section 18(1)(a) of the Act of 1996, on the 3rd day of June, 1999, and
- (e) in so far as it relates to disablement pension, death benefit under section 60, 61 or 62 of the Principal Act, old age (contributory) pension, widow's and widower's (contributory) pension and orphan's (contributory) allowance, on the 4th day of June, 1999.

Social assistance
payments (new
rates).

5.—(1) The Principal Act is hereby amended by the substitution for Parts I and II (inserted by section 5 of the Act of 1998) of the Fourth Schedule thereto of the Parts set out in *Schedule B* to this Act.

(2) This section shall come into operation—

- (a) in so far as it relates to unemployment assistance on the 26th day of May, 1999,
- (b) in so far as it relates to supplementary welfare allowance, on the 31st day of May, 1999,
- (c) in so far as it relates to disability allowance, on the 2nd day of June, 1999,
- (d) in so far as it relates to pre-retirement allowance, one-parent family payment (other than where payable in respect of a widow or widower), carer's allowance and a relevant payment by virtue of section 18(1)(b) or (c) of the Act of 1996, on the 3rd day of June, 1999, and
- (e) in so far as it relates to old age (non-contributory) pension, blind pension, widow's and widower's (non-contributory) pension, one-parent family payment payable in respect of a widow or widower and orphan's (non-contributory) pension, on the 4th day of June, 1999.

6.—(1) The Fourth Schedule to the Principal Act is hereby amended by the substitution for Part III (inserted by section 6 of the Act of 1998) of the following Part: Pr.II
Child benefit (new rates).

“PART III
AMOUNTS OF CHILD BENEFIT

Amount for each of first 2 children (1)	Amount for each child in excess of 2 (2)
£34.50	£46.00

”.

(2) This section shall come into operation on the 1st day of September, 1999.

7.—(1) The Principal Act is hereby amended by the substitution for section 198 (inserted by section 7 (3) of the Act of 1998) of the following section: Family income supplement (new weekly rates).

“Entitlement to supplement.

198.— Subject to this Act, an allowance (in this Act referred to as ‘family income supplement’) shall be payable out of moneys provided by the Oireachtas in respect of a family where the weekly family income is less than—

- (a) in the case of a family which includes only 1 child, £220,
- (b) in the case of a family which includes 2 children, £240,
- (c) in the case of a family which includes 3 children, £260,
- (d) in the case of a family which includes 4 children, £280,
- (e) in the case of a family which includes 5 children, £305,
- (f) in the case of a family which includes 6 children, £325,
- (g) in the case of a family which includes 7 children, £342, or
- (h) in the case of a family which includes 8 or more children, £359.”.

(2) This section shall come into operation on the 3rd day of June, 1999.

8.—(1) Section 10 of the Principal Act is hereby amended by— Employment contributions (increases in earnings ceilings).

(a) the substitution in subsection (1)(c) of “£25,400” for “£24,200” (inserted by section 8(1)(b) of the Act of 1998),

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(b) the substitution in subsection (1)(d) (i) and (ii) of “£280” for “£270” (inserted by section 8(1)(c) of the Act of 1998), and

(c) the substitution in subsection (1)(e) of “£35,000” for “£29,000” (inserted by section 8(1)(d) of the Act of 1998).

(2) This section shall come into operation on the 6th day of April, 1999.

Self-employment contributions (increase in income ceiling).

9.—(1) Section 18(1) of the Principal Act is hereby amended by the substitution in paragraph (d) of “£25,400” for “£24,200” (inserted by section 9(1) of the Act of 1998).

(2) This section shall come into operation on the 6th day of April, 1999.

PART III

CARERS

Extension of definitions.

10.—Section 163 (1) of the Principal Act is hereby amended by—

(a) the substitution for the definition of “relevant pensioner” (inserted by section 12 (1) of the Act of 1995) of the following definition:

“‘relevant person’ means a person (other than a person in receipt of an increase of disablement pension under section 57 in respect of constant attendance) who is so incapacitated as to require full-time care and attention, and who—

(a) has attained the age of 16 years, or

(b) is under the age of 16 years and is a person in respect of whom an allowance is paid for domiciliary care of handicapped children under section 61 of the Health Act, 1970;”

and

(b) the substitution for the definition of “carer” of the following definition:

“‘carer’ means—

(a) a person who resides with and provides full-time care and attention to a relevant person, or

(b) a person who, subject to such conditions and in such circumstances as may be prescribed, does not reside with but who provides full-time care and attention to a relevant person.”

11.—The Principal Act is hereby amended by the insertion after section 168 of the following section: Pr.III
Respite care grant.

“Respite care grant. 168A.—(1) A grant (in this section referred to as a ‘respite care grant’) of £200, or such higher amount as may be prescribed, shall be paid to a relevant carer each year in respect of the cost of respite care.

(2) In this section a ‘relevant carer’ means a person who is—

- (a) a carer who is entitled to or in receipt of carer’s allowance under this Chapter,
- (b) a prescribed relative within the meaning of section 163 and in respect of whom an allowance is payable under section 167, or
- (c) providing full-time care to a person who is in receipt of an increase of disablement pension under section 57 in respect of the need for constant attendance.

(3) Regulations made under this section shall prescribe—

- (a) the date in each year on which a respite care grant shall become payable to a relevant carer, and
- (b) the evidence to be submitted by a relevant carer to whom subsection (2)(c) applies, to show that the carer is on that date providing the care referred to in that paragraph.”.

12.—Part II of the Third Schedule to the Principal Act is hereby amended by— Assessment of
means —
improvements.

(a) the deletion in Rule 1(4) of subparagraph (bb) (inserted by section 10(2)(b) of the Act of 1998),

(b) the insertion after paragraph (6) of Rule 1 of the following paragraph:

“(7) In the case of carer’s allowance, in calculating the weekly means of a carer who is not one of a couple (other than means derived from a social security payment payable under the legislation of another state), such amount as may be prescribed shall be disregarded,”,

and

(c) the substitution for paragraph (1A) (inserted by section 12(2) of the Act of 1995) of Rule 4 of the following paragraphs:

“(1A) In the case of carer’s allowance, in calculating the weekly means of the other member of the

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couple for the purposes of paragraph (1) the following shall be disregarded—

(a) an amount, not exceeding the maximum amount set out in column (2), reference 3 of Part I of the Second Schedule, of a social security payment payable under the legislation of another state, and

(b) an amount, not exceeding half the amount set out in column (4), reference 3 of Part I of the Second Schedule, of a social security payment payable under the legislation of another state in respect of each qualified child for which an increase is granted under section 165(1) (as amended by section 23 of the Act of 1997).

(1B) In the case of carer’s allowance, in calculating the weekly means of the couple (other than means derived from a social security payment payable under the legislation of another state), such amount as may be prescribed shall be disregarded.”.

Amendments consequential on section 10.

13.—Each provision of the Principal Act mentioned in *column (1) of Schedule C* to this Act is hereby amended in the manner specified in *column (2)* of that Schedule opposite the mention of that provision in *column (1)*.

Commencement (Part III).

14.—This Part shall come into operation on such day or days as the Minister 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.

PART IV

FARM ASSIST

Farm assist.

15.—Part III of the Principal Act is hereby amended by the insertion after Chapter 13 (inserted by section 15 of the Act of 1997) of the following Chapter:

“CHAPTER 14

FARM ASSIST

Interpretation.

191L.—(1) In this Chapter and in the Third Schedule—

‘farming’ means farming farm land including commonage, which—

(a) is owned, and used for the purposes of husbandry,

(b) is leased, and used for the purposes of husbandry, or

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(c) does not form part of a larger holding Pr.IV S.15
and is used for the purposes of
husbandry,

by the claimant;

‘farmer’ means a person engaged in farming;

‘husbandry’ means the working of the land with
the object of extracting the traditional produce of
the land;

‘weekly means’ means the yearly means divided
by 52:

Provided that the amount so calculated shall be
rounded up to the nearest £1 where it is a mul-
tiple of 50p but not also a multiple of £1 and shall
be rounded to the nearest £1 where it is not a
multiple of 50p or £1.

(2) For the purposes of this Chapter, means
shall be calculated in accordance with the Rules
contained in Part IV of the Third Schedule.

Entitlement to
allowance.

191M.—(1) Subject to this Act and to regu-
lations made thereunder, an allowance (in this
Act referred to as ‘farm assist’) shall be payable
to a farmer if—

- (a) he or she has attained the age of 18 years
and is under pensionable age, and
- (b) his or her weekly means, subject to sub-
section (2), do not exceed the amount
of farm assist (including any increases
thereof) that would be payable to the
farmer under this Chapter if he or she
had no means.

(2) Where the spouse of a claimant for farm
assist is not the claimant’s qualified adult, or is a
spouse in respect of whom an increase is payable
by virtue of regulations made under section 245A,
the means of the claimant shall be taken to be
one-half the means.

Rate of allowance
(including increases
for qualified adult
and children).

191N.—(1) Subject to this Chapter, the rate (in
this Chapter referred to as ‘the scheduled rate’)
of farm assist shall be the weekly rate set out in
column (2) at reference 11 in Part I of the Fourth
Schedule, increased by—

- (a) the amount set out in column (3) of that
Part opposite that reference for any
period during which the claimant or
beneficiary has a qualified adult, sub-
ject to the restriction that, except
where regulations otherwise provide,
the claimant or beneficiary shall not

be entitled for the same period to an increase of the allowance under this subparagraph in respect of more than one person, and

- (b) the appropriate rate set out in column (4) of that Part opposite that reference in respect of each qualified child who normally resides with the claimant or beneficiary.

(2) Farm assist shall be payable—

- (a) where the weekly means of the claimant or beneficiary are less than £1, at the scheduled rate,
- (b) where such weekly means are equal to £1, at the scheduled rate reduced by £1, and
- (c) where such weekly means exceed £1, at the scheduled rate, reduced by £1 for each amount (if any) of £1 by which those weekly means exceed £1:

Provided that, if the weekly means of the claimant or beneficiary are equal to or exceed the scheduled rate, no farm assist shall be payable.

Amount of payment in respect of qualified child in certain cases.

191O.—Any increase of farm assist payable pursuant to section 191N in respect of a qualified child who normally resides with the claimant or beneficiary and with the spouse of the claimant or beneficiary shall be payable at the rate of one-half of the appropriate amount in any case where the spouse of the claimant or beneficiary is not a qualified adult, and section 191N shall be construed and have effect accordingly.

Total amount payable to a couple.

191P.—(1) Subject to subsection (3), where one of a couple is entitled to disability benefit, unemployment benefit, injury benefit, disablement pension, old age (contributory) pension, old age (non-contributory) pension, retirement pension or invalidity pension and the other is entitled to farm assist, the total of the amount payable to them by way of such benefit or pension and such farm assist (in this subsection referred to as ‘the relevant amount’) shall not exceed the total amount of benefit or pension, as the case may be, (including any increases thereof, where appropriate), or the total amount of farm assist (including any increases thereof, where appropriate), whichever is the greater (in this subsection referred to as ‘the greater amount’) that would be payable if only one of the couple were in receipt of benefit, pension or farm assist, as the case may be, and, if the relevant amount

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would but for this subsection exceed the greater amount, the amount of farm assist payable to the spouse who is entitled to such farm assist shall be reduced by the amount of the excess. Pr.IV S.15

(2) Subject to subsection (3), where one of a couple is entitled to unemployment assistance, pre-retirement allowance, disability allowance or farm assist and the other is entitled to farm assist, the total amount payable to them pursuant to this Act shall not exceed the amount which would be payable if only one of them was entitled to be paid unemployment assistance, pre-retirement allowance, disability allowance or farm assist, as the case may be, (including any increases thereof, where appropriate), and each of them shall be entitled to be paid one-half of the amount which would be payable to him or her if only one of the couple were in receipt of the assistance or allowance.

(3) In the case of a farmer who, immediately prior to the payment of farm assist was in receipt of unemployment assistance or pre-retirement allowance or disability allowance and to whom the provisions of sections 122 (1) or (4) or 191E applied, *section 32(2) of the Social Welfare Act, 1999*, shall apply as if the farmer continued to receive unemployment assistance or pre-retirement allowance or disability allowance, as the case may be.

(4) In this section 'couple' means a married couple who are living together or a man and woman who are not married to each other but are cohabiting as husband and wife.

Disqualifications.

191Q.—(1) A farmer shall be disqualified for receiving farm assist while he or she is—

- (a) employed during any week under a scheme administered by An Foras Áiseanna Saothair and known as Community Employment,
- (b) participating in a scheme administered by the Minister and known as Back-To-Work Allowance,
- (c) participating in a scheme administered by the Minister and known as Part-Time-Job Incentive, or
- (d) participating in a scheme administered by the Minister and known as Area-Enterprise Allowance.

(2) A farmer shall not be entitled to receive farm assist while attending a course of study, other than in such circumstances and subject to such conditions and for such periods as may be prescribed.

(3) In subsections (2) and (4) ‘academic year’, ‘a course of study’ and ‘institution of education’ have the same meanings as in section 126(2).

(4) In this section, a farmer shall be regarded, subject to regulations made under subsection (2), as attending a course of study—

- (a) for the period of 3 months immediately following the completion or the leaving by that person of second level education or the completion of the Leaving Certificate Examination of the Department of Education and Science (whichever is the later),
- (b) for the duration of an academic year, or
- (c) for the period immediately following the completion of one academic year, other than the final academic year of a course of study, up to the commencement of the following academic year.”.

Amendment to Third Schedule of the Principal Act.

16.—The Third Schedule to the Principal Act is hereby amended by the insertion after Part III of the following Part:

“PART IV Section 191M.
FARM ASSIST

1. In calculating the means of a farmer for the purposes of Chapter 14 of Part III, account shall be taken of the following—

- (1) the gross income received by the farmer or his or her spouse from:
 - (a) farming (other than the use of a domestic dwelling, or farm building owned and occupied, furniture and personal effects), and
 - (b) any other form of self-employment less—
 - (i) any expenses necessarily incurred in carrying on farming or other form of self-employment, and
 - (ii) where the farmer has a qualified child, who normally resides with him or her, an amount of—
 - (I) £100 per annum in respect of each of the first two qualified children, and
 - (II) £200 per annum in respect of each subsequent qualified child,

calculated at the rate of 80 per cent.;

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(2) the yearly value ascertained in the prescribed manner of all property belonging to him or her or to his or her spouse (not being a farm of land owned or leased either by him or her or by his or her spouse) which is invested or is otherwise put to profitable use or which, though capable of investment or profitable use is not invested or put to profitable use by the farmer or his or her spouse; Pr.IV S.16

(3) all other income which the farmer or his or her spouse may reasonably expect to receive during the succeeding year in cash, whether as contributions to the expenses of the household or otherwise, but excluding—

- (a) any moneys received by way of benefit, pension, assistance, allowance, supplement or continued payment for qualified children under Part II, III, IV, V or VA or by way of a payment corresponding to child benefit under Part IV, from another Member State,
- (b) any income arising from a bonus under a scheme administered by the Minister for Arts, Heritage, Gaeltacht and the Islands for the making of special grants to parents or guardians resident in the Gaeltacht or Breac-Ghaeltacht (as defined in such scheme) of children attending primary schools,
- (c) in the case of a qualified applicant under a scheme administered by the Minister for Arts, Heritage, Gaeltacht and the Islands and known as Scéim na bhFoghlaimoirí Gaeilge, any income received under that scheme in respect of a person who is temporarily resident with the qualified applicant, together with any other income received in respect of such temporary resident,
- (d) an amount of an allowance, dependant's allowance, disability pension or wound pension under the Army Pensions Acts, 1923 to 1980, or a combination of such allowances and such pensions so far as such amount does not exceed £80 per year,
- (e) any moneys received from a charitable organisation, being a body whose activities are carried on otherwise than for profit (but excluding any public or local authority) and one of whose functions is to assist persons in need by making grants of money to them,
- (f) such amount as may be prescribed of income from employment by a health board or by a person approved by a health board, as a home help,
- (g) any moneys received by way of training allowance from an organisation while undergoing a course of rehabilitation training provided by the organisation (being an organisation approved of by the Minister for Health and Children for the purposes of the provision of such training),
- (h) any moneys, except so far as they exceed £104 per year, received by a farmer or by his or her spouse in respect of work as an outworker under a scheme that is, in the opinion of the Minister, charitable in character and purpose,

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- (i) where the farmer or his or her spouse is engaged on a seasonal basis in the occupation of fishing, one-half of so much of the income derived therefrom as does not exceed £120 per year and one-third of so much of such income as exceeds £120 per year but does not exceed £300 per year,
- (j) payments by a health board in respect of a child who is boarded out,
- (k) subject to paragraph (5), all moneys earned by the farmer or his or her spouse in respect of current personal employment under a contract of service,
- (l) in such cases as may be prescribed, any moneys received by way of a maintenance grant under a scheme administered by the Minister for Education and Science under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992,
- (m) any moneys received by way of a mobility allowance payable under section 61 of the Health Act, 1970,
- (n) an amount of £1,000 per annum from the harvesting of seaweed,
- (o) subject to paragraph (5), any moneys earned by the farmer or his or her spouse from insurable employment of a seasonal nature,
- (p) payments by a health board in respect of the provision of accommodation for a child under section 5 of the Child Care Act, 1991,
- (q) all income received under the following schemes:
 - (i) the Rural Environment Protection Scheme administered by the Minister for Agriculture and Food, and
 - (ii) the Special Areas of Conservation Scheme administered by the Minister for Arts, Heritage, Gaeltacht and the Islands,except in so far as such income exceeds the sum of—
 - (I) £2,000, plus
 - (II) one-half of any amount in excess of £2,000 received under those schemes, plus
 - (III) any expenses necessarily incurred in participating in those schemes,
- (r) such other income received by a farmer or his or her spouse as may be prescribed;

(4) all income and the yearly value ascertained in the prescribed manner of all property of which the farmer or his or her spouse have directly or indirectly deprived themselves in order to qualify for the receipt of farm assist, but where such income or the yearly value of the property so ascertained has reduced

since the date of calculation, the calculation may be revised, subject to such conditions and in such circumstances as may be prescribed: Pt.IV S.16

Provided that any such regulations shall not cause the income or yearly value of the property taken to be part of the means to be increased;

(5) in the case of a farmer or his or her spouse engaged in current personal or seasonal employment, the value, ascertained in the prescribed manner, of any moneys derived from the said employment and the value so calculated shall be deemed to constitute the weekly means of that person from such employment.

2. In Rule 1(3), the income of a person shall, in the absence of other means of ascertaining it, be taken to be the income actually received during the year immediately preceding the date of calculation.

3. In this Schedule 'spouse' means—

(a) each person of a married couple who are living together, or

(b) a man and woman who are not married to each other but are cohabiting together as husband and wife.

4. The Minister may by regulations vary the provisions of Rule 1.”.

17.—(1) The Principal Act is hereby amended by—

Amendments consequential on section 15.

(a) the insertion in Part I of the Fourth Schedule (inserted by section 5 of this Act) after the rate of assistance contained at reference 10 of the following rates:

“11. Farm Assist | 73.50 | 43.20 | 13.20 | — | — | —”,

and

(b) the insertion after section 138 of the following section:

“138A.—In the case of a person who was in receipt of farm assist under Chapter 14 of Part III immediately prior to becoming entitled to old age (non-contributory) pension, the weekly rate of pension payable shall be either—

(a) the rate payable in accordance with sections 136, 137 and 138, or

(b) an amount equal to the rate of farm assist which was payable in accordance with sections 191N and 191O immediately prior to becoming entitled to old age (non-contributory) pension,

whichever is the greater amount.”.

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(2) Each provision of the Principal Act mentioned in *column (1)* of *Schedule D* to this Act is hereby amended in the manner specified in *column (2)* of the Schedule opposite the mention of that provision in *column (1)*.

Commencement
(Part IV).

18.—This Part shall come into operation on such day or days as the Minister 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.

PART V

IMPROVEMENTS IN SOCIAL WELFARE SCHEMES

Bereavement grant.

19.—(1) The Principal Act is hereby amended by the substitution for Chapter 19 of Part II of the following Chapter:

“CHAPTER 19

BEREAVEMENT GRANT

Entitlement to
grant.

114. (1) Subject to this Act, a bereavement grant shall be payable, to such person or persons as may be prescribed, on the death of—

- (a) (i) a pensioner,
 - (ii) a qualified adult,
 - (iii) a spouse of a pensioner,
 - (iv) a qualified child in respect of whom an increase of pension specified in paragraphs (a) to (f) in the definition of ‘pensioner’ was being paid at the time of death,
 - (v) an orphan, or
 - (vi) a person to whom an orphan’s (contributory) allowance is payable under section 109,
- or
- (b) (i) an insured person,
 - (ii) the spouse of an insured person,
 - (iii) the widow or widower of a deceased insured person, or
 - (iv) a qualified child other than a qualified child referred to in paragraph (a)(iv),

if the contribution conditions in section 115 are satisfied:

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Provided that only one bereavement grant shall Pr.V S.19
be paid by virtue of this section on any one death.

(2) In this Chapter—

‘orphan’ means a person in respect of whom an orphan’s (contributory) allowance is payable under Chapter 17;

‘pensioner’ means a person who, at the time of his or her death, was in receipt of one of the following payments:

- (a) old age (contributory) pension,
- (b) retirement pension,
- (c) invalidity pension,
- (d) widow’s (contributory) pension,
- (e) widower’s (contributory) pension, or
- (f) deserted wife’s benefit, or

would have been in receipt of one of the said payments but for receipt by the person of an old age (non-contributory) pension, a blind pension, a widow’s or widower’s (non-contributory) pension or a carer’s allowance at a higher rate;

‘qualified adult’ means a person in respect of whom an increase of benefit specified in paragraphs (a) to (c) in the definition of ‘pensioner’ was being paid at the time of death, or in respect of whom such an increase would have been payable but for the receipt by the qualified adult of an old age (non-contributory) pension, a blind pension or a carer’s allowance in his or her own right;

‘qualified child’, in section 114(1)(b), means a person—

- (a) who, at the date of death, is under the age of 18 years or over the age of 18 years and under the age of 22 years, and is receiving full-time education, the circumstances of which will be specified in regulations,
- (b) who is ordinarily resident in the State on that date, and
- (c) in respect of whose death the relevant contribution conditions for bereavement grant are not satisfied by such person’s insurance or the insurance of such person’s spouse;

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‘relevant date’ means the date of death of the deceased person or the date of death of the relevant insured person or the date of attainment of pensionable age of the relevant insured person, whichever occurs first, whether the deceased is the relevant insured person or not;

‘relevant insured person’ means—

- (a) in case the deceased person was a qualified child—
 - (i) the father or mother of such deceased person,
 - (ii) the person with whom such deceased person at the date of death is determined, in accordance with regulations made under section 3(5), to have been normally residing or with whom he or she would have been normally so residing if he or she had not been committed to a reformatory or an industrial school, or
 - (iii) the spouse of the person referred to in subparagraph (ii),

or

- (b) in any other case, the deceased person or the spouse of the deceased person;

‘yearly average’ means the average per contribution year of contribution weeks in respect of which the relevant insured person has qualifying contributions, voluntary contributions or credited contributions in the appropriate period specified in section 115(1)(b)(ii).

Conditions for receipt.

115. (1) The contribution conditions for a bereavement grant are that before the relevant date the relevant insured person has qualifying contributions in respect of not less than—

- (a) 156 contribution weeks since his or her entry into insurance, or
- (b) 26 contribution weeks since his or her entry into insurance, and
 - (i) has qualifying contributions, voluntary contributions or credited contributions in respect of not less than 39 contribution weeks in the last complete contribution year before the beginning of the benefit year in which the relevant date occurs, or

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- (ii) has a yearly average of 39 qualifying contributions, voluntary contributions or credited contributions for the last 3 or 5 complete contribution years before the beginning of the benefit year in which the relevant date occurs, or
- (iii) has a yearly average of 26 qualifying contributions, voluntary contributions or credited contributions since his or her entry into insurance or the beginning of the contribution year commencing on the 6th day of April, 1979, (whichever is the later) and ending at the end of the last complete contribution year before the beginning of the benefit year in which the relevant date occurs, or
- (iv) has a yearly average of 26 qualifying contributions, voluntary contributions or credited contributions since his or her entry into insurance or the beginning of the contribution year next following the 1st day of October, 1970, (whichever is the later) and ending at the end of the last complete contribution year before the beginning of the benefit year in which the relevant date occurs.

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(2) Regulations may provide for modifications of the contribution conditions for receipt of bereavement grant.

(3) Regulations may provide for modifications of the contribution conditions for bereavement grant in the case of a person who was an insured person on the 1st day of October, 1970, and who, during the year subsequent to that date, was absent from the State for any period or was credited with contributions in respect of any period of unemployment, incapacity for work or retirement or is or becomes a voluntary contributor paying contributions at the rate specified in section 22(1)(b)(ii).

Amount of grant.

116. Subject to this Act, the amount of bereavement grant shall be as set out in column (2) of Part V of the Second Schedule.”.

(2) The substitution in section 18(1)(g) for “or orphan’s (contributory) allowance” of “or orphan’s (contributory) allowance or bereavement grant”.

(3) Each provision of the Principal Act mentioned in *column (1) of Schedule E* to this Act is hereby amended in the manner specified in *column (2)* of that Schedule opposite the mention of that provision in *column (1)*.

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(4) Every reference in the Principal Act and in any other enactment to death grant shall be construed as a reference to bereavement grant.

(5) The amendment effected by this section shall apply to any claim for bereavement grant where the death occurs on or after the 6th day of April, 1999.

Disability allowance
— extension of
payment.

20.—Section 191B of the Principal Act (inserted by section 13 of the Act of 1996) is hereby amended by the substitution for subsections (3) and (3A) (inserted by section 22 of the Act of 1997) of the following subsections:

“(3) Subject to subsections (3A) and (3B), a person shall not be entitled to receive disability allowance for any period during which that person is resident in an institution.

(3A) Subject to this Chapter, regulations may, subject to such conditions and in such circumstances as may be prescribed, provide for entitling to disability allowance a person who would be entitled thereto but for the fact that he or she is resident in an institution, where the person is temporarily resident elsewhere for—

- (i) a period of not less than two days a week, or
- (ii) such other period as may be prescribed:

Provided that in the case of a person to whom paragraph (i) applies, disability allowance payable by virtue thereof shall be payable at a rate less than that specified in the Fourth Schedule.

(3B) Notwithstanding subsections (3) and (3A), where a person who, on or after the 1st day of August, 1999, being a beneficiary of disability allowance, is subsequently admitted to an institution, that person shall, if at the time of admittance to the institution, he or she would otherwise be entitled to receive disability allowance, continue to be so entitled.”.

Pensions for self-
employed — over
age 56.

21.—Section 84 of the Principal Act is hereby amended by—

(a) the insertion in subsection (2) after paragraph (d) of the following paragraph:

“(e) In the case of a person who became a self-employed contributor for the first time on or after the 6th day of April, 1988, and was not previously an employed contributor under this Act or the National Health Insurance Acts, 1911 to 1952, prior to becoming so insured, and who on or before the 6th day of April, 1988, had attained the age of 56 years but had not attained the age of 62 years, subsection (1)(a) shall be construed as if ‘62’ were substituted for ‘56’ for the purposes of qualifying for a pension under subsections (16) and (17).”.

(b) the insertion after subsection (15) of the following sub- Pr.V S.21
sections:

“(16) Subject to subsection (17), a pension shall be payable in the case of a person who—

(a) became a self-employed contributor for the first time on or after the 6th day of April, 1988, and who on or before that date had attained the age of 56 years and who fails to satisfy the contribution conditions at section 84(1)(c) or 84(7), or

(b) satisfies the contribution condition at section 84(1)(a) by virtue of section 84(2)(e) and who, but for section 84(2)(e) fails to satisfy the contribution conditions at section 84(1) or 84(7),

and who has qualifying contributions in respect of not less than 260 weeks since becoming a self-employed contributor.

(17) The rate of pension payable in accordance with subsection (16) shall be payable at half the rate specified in column (2) at reference 3 of Part I of the Second Schedule and any increases payable under section 87 (1) or (2) shall be payable at half the rate specified in columns (3) and (4) at reference 3 of Part I of the Second Schedule.

(18) The total amount payable by way of pension in accordance with subsections (16) and (17) shall be rounded up to the nearest 10p where it is a multiple of 5p but not also a multiple of 10p and shall be rounded to the nearest 10p where it is not a multiple of 5p or 10p.”,

and

(c) the substitution in section 87 (1) and (2) for “The weekly rate” of “Subject to this Part, the weekly rate”.

22.—Part I of the Third Schedule to the Principal Act is hereby amended by— Assessment of means — fishermen.

(a) the substitution in Rule 1 for paragraph (2)(j) (inserted by section 26(1) of the Act of 1997) of the following subparagraphs:

“(j) where his or her spouse is engaged on a seasonal basis in the occupation of fishing, one-half of so much of the income derived therefrom as does not exceed £120 per year and one-third of so much of such income as exceeds £120 per year but does not exceed £300 per year,

(jj) other than in the case of disability allowance, and subject to paragraph (8), any income derived by a fisherman from any form of self-employment,”,

- (b) the insertion in Rule 1 after paragraph (2)(l) (inserted by section 26(1) of the Act of 1997) of the following subparagraph:

“(l) other than in the case of disability allowance, any expenses necessarily incurred in carrying on any form of self-employment,”

- (c) the insertion in Rule 1 after paragraph (7) (inserted by section 22 of the Act of 1996) of the following paragraphs:

“(8) in the case of a fisherman, the gross income derived from any form of self-employment less—

(a) any expenses necessarily incurred in carrying on any form of self-employment, and

(b) where the fisherman has a qualified child, who normally resides with him or her, an amount of—

(i) £100 per annum in respect of each of the first two qualified children, and

(ii) £200 per annum in respect of each subsequent qualified child,

calculated at the rate of 80 per cent.”

and

- (d) the substitution for Rule 3 (inserted by section 16 (3) of the Act of 1995) of the following Rule:

“3. In this Schedule—

‘fisherman’ means a person engaged in seafishing as a self-employed person—

(a) on a fishing boat entered in the Register of Fishing Boats, or

(b) on a fishing boat and in a place in respect of which a fishing licence (within the meaning of section 3 of the Fisheries (Consolidation) Act, 1959) for fishing for salmon at sea has been issued;

‘spouse’ means—

(a) each person of a married couple who are living together, or

(b) a man and woman who are not married to each other but are cohabiting together as husband and wife.”

23.—Section 18 of the Act of 1996 is hereby amended by the substitution for subsection (4) of the following subsections:

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Relevant payment
— saver provision.

“(4) Notwithstanding the provisions of this Part, where, a woman, has ceased or ceases to be entitled to benefit under Chapter 18 of Part II of the Principal Act by virtue of no longer having at least one qualified child residing with her, she shall, on reaching the age of 40 years, where but for this Part she would be entitled to the said benefit, again become and continue to be entitled to the said benefit, for the duration of her continuous entitlement thereto, in accordance with the provisions of the Principal Act and regulations made thereunder.

(5) In the case of a person to whom subsection (2), (3) or (4) applies and who is disqualified for receipt of a relevant payment by virtue of section 211(1)(a) or (14) of the Principal Act, where but for that disqualification she would be entitled to the said relevant payment, she shall again become entitled to the said relevant payment at the expiration of the disqualification in any case where the period of disqualification does not exceed 12 months.”.

24.—(1) Section 32 (9) (inserted by section 12 of the No. (2) Act of 1993) of the Principal Act is hereby amended by the substitution for “next succeeding benefit year” of “next two succeeding benefit years”.

Volunteer
development
workers —
extension of
entitlement.

(2) Section 43 (7) (inserted by section 13 of the No. (2) Act of 1993) of the Principal Act is hereby amended by the substitution for “next succeeding benefit year” of “next two succeeding benefit years”.

(3) Section 41B (inserted by the European Communities (Social Welfare) Regulations, 1995 (S.I. No. 25 of 1995)) of the Principal Act is hereby amended by the insertion after subsection (4) of the following subsection:

“(5) The requirement contained in subsection (1)(b) that the claimant must have prescribed reckonable weekly earnings in excess of a prescribed amount in the prescribed period shall not apply in the case of a claim for health and safety benefit made by a person in the benefit year in which that person, having been a volunteer development worker, returns to the State from a developing country or in the next two succeeding benefit years.”.

25.—This Part shall come into operation on such day or days as the Minister 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.

Commencement
(Part V).

PART VI

MISCELLANEOUS PROVISIONS

26.—(1) Section 212 of the Principal Act is hereby amended by—

Inspection of
premises by social
welfare inspectors.

(a) the substitution for subsection (3) of the following subsection:

“(3) A social welfare inspector shall, for the purposes of this Act, have power to do all or any of the following—

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(a) to enter, without prior notification, at all reasonable times, any premises or place liable to inspection under this section,

(b) in such premises or place—

(i) to make such examination or enquiry,

(ii) to inspect and take copies of or extracts from any records (including in the case of information in a non-legible form a copy of or extract from such information in permanent legible form), found there, and

(iii) to remove and retain such records for such period as may be reasonable for further examination,

as may be necessary to ascertain whether the provisions of this Act are being complied with,

(c) to secure for later inspection any such records,

(d) to examine, either alone or in the presence of any other person, as he or she thinks fit in relation to any matters on which he or she may reasonably require information for the purposes of this Act, every person whom he or she finds in any such premises or place, or whom he or she has reasonable cause to believe to be or to have been an insured person, and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he or she is so examined, and

(e) for the purposes of answering or clarifying any questions that the social welfare inspector may have consequent on the inspection of the premises or place, to summon the occupier of the premises or place, any person who is or has been employing persons there or such person as may be designated by the occupier or employer as competent to answer or clarify any such questions, to attend at such premises or place (or at an office of the Minister), at any reasonable time specified, by notice in writing given to him or her at the premises or place or sent there to him or her by registered post.”,

(b) the substitution in subsection (6)(b) for “document” of “record”, and

(c) the insertion after subsection (14) of the following subsections:

“(15) A social welfare inspector may, where he or she considers it necessary, be accompanied by a member of the Garda Síochána when performing any power conferred on a social welfare inspector under this section. Pr.VI S.26

(16) A social welfare inspector may, for the purposes of ensuring compliance with this Act if accompanied by a member of the Garda Síochána in uniform—

- (a) stop any vehicle which he or she reasonably suspects is used in the course of employment or self-employment, and
- (b) on production of his or her certificate of appointment, if so requested, question and make enquiries of any person in the vehicle or require such person to furnish him or her with any record relating to his or her employment or self-employment which the person has possession of in the vehicle, and examine it.”.

(2) Section 2(1) of the Principal Act is hereby amended by the insertion after the definition of “qualifying contribution” of the following definition:

“‘record’ means any book, document or any other written or printed material in any form including any information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form;”.

27.—Section 223 (1) (inserted by section 14 of the Act of 1998) of the Principal Act is hereby amended by—

Public service data
— use of personal
public service
number.

- (a) the deletion in paragraph (i) of “or”, and
- (b) the substitution for paragraph (j) in the definition of “specified body” of the following paragraphs:

“(j) the General Medical Services Payments Board,

(k) the following Voluntary Hospitals:

- (i) The Adelaide and Meath Hospital, Dublin incorporating the National Children’s Hospital,
- (ii) Beaumont Hospital, Dublin,
- (iii) Mater Misericordiae Hospital, Dublin,
- (iv) St. James’s Hospital,
- (v) St. Michael’s Hospital, Dun Laoghaire,
- (vi) St. Vincent’s Hospital, Elm Park, Dublin,
- (vii) Coombe Women’s Hospital, Dublin,

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- (viii) Rotunda Hospital, Dublin,
- (ix) National Maternity Hospital, Dublin,
- (x) Our Lady's Hospital for Sick Children, Crumlin, Dublin,
- (xi) The Children's Hospital, Temple Street, Dublin,
- (xii) Hume Street Hospital, Dublin,
- (xiii) St. Luke's and St. Anne's Hospital, Dublin,
- (xiv) Royal Victoria Eye and Ear Hospital, Dublin,
- (xv) Incorporated Orthopaedic Hospital of Ireland, Clontarf, Dublin,
- (xvi) Cappagh Orthopaedic Hospital, Dublin,
- (xvii) St. Mary's Hospital and Residential School, Baldoyle, Dublin,
- (xviii) National Rehabilitation Hospital, Dun Laoghaire,
- (xix) St. John's Hospital, Limerick,
- (xx) Mercy Hospital, Cork,
- (xxi) South Infirmary/Victoria Hospital, Cork,
- (xxii) Portiuncula Hospital, Ballinasloe, Co. Galway,
- (xxiii) Our Lady's Hospice,
- (xxiv) The Royal Hospital, Donnybrook,
- (xxv) Leopardstown Park Hospital,
- (xxvi) St. Vincent's Hospital, Fairview,
- (xxvii) Dublin Dental Hospital,
- (xxviii) University Dental School and Hospital, Cork, or

(l) such other persons as may be prescribed;”.

Prosecution of offences.

28.—(1) Section 224 of the Principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“(1) A prosecution for a summary offence may be brought at the suit of —

(a) the Minister,

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(b) a health board in any case arising out of the exercise of its functions under this Act, where the offence has occurred within its functional area, or

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(c) the Collector-General in any case arising out of the exercise of his or her functions under this Act.

(2) An officer of the Minister shall not institute any summary proceedings for an offence under this Act at the suit of the Minister unless he or she is authorised in that behalf by special or general directions of the Minister or the Minister has consented to the initiation of such proceedings.”.

(2) The Principal Act is hereby amended by the insertion after section 224 of the following section:

“Civil proceedings under Act may be brought by or against Criminal Assets Bureau.

224A. Any proceedings, other than for the prosecution of an offence, arising out of the exercise by an officer of the Minister who is a bureau officer, of his or her powers or duties under this Act may be brought by or against the Criminal Assets Bureau.”.

29.—(1) The Principal Act is hereby amended by the insertion in section 253A (inserted by section 34 of the Act of 1997) after “directing him or her to submit the appeal” of “not later than 21 days from receipt of the direction”.

Appeals to the Circuit Court.

(2) This section shall come into operation on such day as the Minister may appoint by order.

30.—(1) The Principal Act is hereby amended by—

Supplementary welfare allowance — transfer of functions.

(a) the substitution in section 247 (2) for “This section” of “Subject to subsection (2A), this section”,

(b) the insertion in section 247 after subsection (2) of the following subsection:

“(2A) In the case of a deciding officer who is a bureau officer this section also applies to every question arising under Chapter 11 of Part III.”,

(c) the insertion in section 248 after subsection (1) of the following subsection:

“(1A) A deciding officer who is a bureau officer may at any time make a decision revising a determination of an officer of a health board, including an officer of a health board designated under section 267(1), to entitlement to supplementary welfare allowance if it appears to the deciding officer that the determination ought to be revised having regard to the facts as they are established to the satisfaction of the deciding officer and the application of this Act to those facts and the provisions of this Part as to appeals shall apply to the revised decision in the same manner as they apply to an original decision of a deciding officer.”,

(d) the insertion in section 248 after subsection (2) of the following subsection:

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“(2A) Subsection (1A) shall not apply to a determination relating to a matter which is on appeal under section 257A or 267(1), as the case may require, unless the revised decision would be in favour of the claimant.”,

and

(e) the substitution for section 175(1) (inserted by section 36 of the Act of 1996) of the following section:

“175.—(1) Subject to the general direction and control of the Minister, each health board shall, in respect of its functional area, be responsible for the administration of functions performable under this Chapter and the functions relating to supplementary welfare allowance other than—

- (a) functions relating to claims for supplementary welfare allowance decided by a deciding officer, and
- (b) making such categories of payment as may be prescribed in such circumstances and conditions as may be prescribed.”.

(2) Each provision of the Principal Act mentioned in *column (1)* of *Schedule F* to this Act is hereby amended in the manner specified in *column (2)* of that Schedule opposite the mention of that provision in *column (1)*.

(3) This section shall come into operation on such day as the Minister may appoint by order.

One-parent family payment — disregard of earnings.

31.—The Principal Act is hereby amended by:

(a) the substitution for section 158(3) (as substituted by section 17 of the Act of 1996) of the following subsection:

“(3) Subject to this Act, a one-parent family payment shall not be payable to a qualified parent whose gross weekly earnings (including wages and profit from any form of self-employment) exceed £230.76.”,

(b) the substitution of paragraph (j) of Rule 1(4) of Part II of the Third Schedule (as inserted by section 26(1)(c) of the Act of 1997) for the following paragraph:

“(j) in the case of a qualified parent, within the meaning of section 157, subject to paragraph (7) any moneys received by way of earnings (including wages and profit from any form of self-employment),”,

and

(c) the insertion after Rule 1(6) of Part II of the Third Schedule of the following paragraph:

“(7) (a) in the case of a qualified parent, within the meaning of section 157, who has earnings (including wages and profit from any form of self-employment), the gross

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weekly earnings, calculated in accordance with subparagraph (b), shall be deemed to constitute the weekly means of that parent from earnings for the purposes of Chapter 9 of Part III. Pr.VI S.31

(b) in calculating the gross weekly earnings of a qualified parent for the purposes of subparagraph (a), an amount of £115.38 together with half the gross weekly earnings in excess of that amount shall be disregarded.”.

32.—(1) The Principal Act is hereby amended by—

Limitation of payments to a couple.

(a) the substitution in section 122 for subsection (1) of the following subsection:

“(1) In the case of a couple, where each of the couple is entitled to unemployment assistance or pre-retirement allowance, the total amount payable to them pursuant to this Chapter shall not exceed the amount which would be payable if only one of them was entitled to be paid unemployment assistance or pre-retirement allowance, as the case may be, (including any increases thereof, where appropriate) and each of them shall be entitled to be paid one-half of the amount (including any increases thereof, where appropriate) which would be payable to him or her if only one of them were in receipt of unemployment assistance or pre-retirement allowance as the case may be.”,

(b) the substitution in section 122 for subsection (4) of the following subsection:

“(4) Where one of a couple is entitled to disability benefit, unemployment benefit, injury benefit, disablement pension, old age (contributory) pension, old age (non-contributory) pension, retirement pension or invalidity pension and the other is entitled to unemployment assistance, the total of the amount payable to them by way of such benefit or pension, as the case may be, and such unemployment assistance, (in this subsection referred to as ‘the relevant amount’) shall not exceed the total amount of benefit or pension, as the case may be, (including any increases thereof, where appropriate), or the total amount of unemployment assistance (including any increases thereof, where appropriate), whichever is the greater (in this subsection referred to as ‘the greater amount’), that would be payable if only one of the couple were in receipt of benefit, pension or unemployment assistance, as the case may be, and, if the relevant amount would but for this subsection exceed the greater amount, the amount of unemployment assistance payable to the spouse who is entitled to such unemployment assistance shall be reduced by the amount of the excess.”,

and

(c) the substitution for section 191E (as amended by section 22 of the Act of 1997), of the following section:

“191E.—(1) Where one of a couple is entitled to disability benefit, unemployment benefit, injury benefit, disablement pension, old age (contributory) pension or retirement pension and the other is entitled to disability allowance, the total of the amount payable to them by way of such benefit or pension, as the case may be, and such disability allowance (in this subsection referred to as ‘the relevant amount’) shall not exceed the total amount of benefit or pension (including any increases thereof, where appropriate), as the case may be, or the total amount of disability allowance (including any increases thereof, where appropriate), whichever is the greater (in this subsection referred to as ‘the greater amount’) that would be payable if only one of the couple were in receipt of benefit, pension or disability allowance, as the case may be, and, if the relevant amount would but for this subsection exceed the greater amount, the amount of disability allowance payable to the spouse who is entitled to such disability allowance shall be reduced by the amount of the excess.

(2) Where one of a couple is entitled to unemployment assistance or pre-retirement allowance and the other is entitled to disability allowance, the total amount payable to them pursuant to this Act shall not exceed the amount which would be payable if only one of them was entitled to be paid unemployment assistance, pre-retirement allowance or disability allowance, as the case may be, (including any increases thereof, where appropriate), and each of them shall be entitled to be paid one-half of the amount which would be payable to him or her if only one of the couple were in receipt of the assistance or allowance.

(3) In this section—

‘couple’ means a married couple who are living together or a man and woman who are not married to each other but are cohabiting as husband and wife;

‘spouse’ means each person of a couple in relation to the other.”.

(2) This section shall apply in respect of a claim for assistance or allowance made on or after the coming into operation of this section.

PART VII

AMENDMENT OF HEALTH CONTRIBUTIONS ACT, 1979 AND YOUTH EMPLOYMENT AGENCY ACT, 1981

33.—(1) Sections 5(1)(a), 6(1) and (7) (as varied by the Health Contributions (Rate) Regulations, 1987 (S.I. No. 104 of 1987)) of the

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Health Contributions Act, 1979, are hereby amended by the substitution for “1.25 per cent.” of “2 per cent.” in each place where it occurs. Pr.VII S.33

(2) Section 7A of the Health Contributions Act, 1979, is hereby amended by —

(a) the substitution in paragraph (1)(a) of “£217” for “£207” (inserted by section 26(1)(a) of the Act of 1998),

(b) the substitution in paragraph (1)(b) of “£11,250” for “£10,750” (inserted by section 26(1)(b) of the Act of 1998), and

(c) the substitution in subsection (2) of “£11,250” for “£10,750” (inserted by section 26(1)(c) of the Act of 1998).

(3) This section shall come into operation on the 6th day of April, 1999.

34.—(1) Sections 15 to 26 of the Youth Employment Agency Act, 1981, are hereby repealed. Abolition of Employment and Training Levy.

(2) This section shall come into operation on the 6th day of April, 1999.

PART VIII

AMENDMENT OF PENSIONS ACT, 1990

35.—Part VI of the Pensions Act, 1990, is hereby amended by the insertion after section 59A (inserted by section 23 of the Pensions (Amendment) Act, 1996), of the following section: Amendment of Pensions Act, 1990.

“Reduction of benefit.

59B.—(1) Subject to subsection (2), notwithstanding anything in the rules of a scheme, where a benefit provided for under the rules is payable in the form of an annual pension and such benefit has commenced, the trustees of the scheme shall not reduce the amount of the benefit payable to such person in any subsequent year below the amount of benefit payable in the preceding year.

(2) The trustees of a scheme may reduce the amount of a benefit to which a person is in receipt under the scheme—

(a) (i) where the benefit has been determined without taking into account a pension payable to the person and where the rules of the scheme permit the subsequent reduction of the benefit by taking into account such pension at or after the date at which that pension commences to be payable to the person, or

(ii) where such benefit has been determined taking into account a pension payable to the person where such pension is less than the full personal rate of old age (contributory) pension then payable and where the rules of the scheme permit the subsequent reduction of the benefit by taking into account the full personal rate of old age (contributory) pension or retirement pension at or after the date at which that full rate of old age (contributory) pension or retirement pension commences to be payable to the person,

(b) where the rules of the scheme permit—

(i) the conversion into a capital sum of part of the benefit,

(ii) a pension payable to a dependant in return for a surrender of part of the benefit,

(iii) forfeiture of or the exercise of a lien on the benefit not prohibited by section 36 of this Act,

(iv) a reduction of the benefit as a consequence of dependency ceasing,

(v) a reduction or cessation of the benefit prior to normal pensionable age where the member had retired prior to that age on account of ill-health and subsequently recovers, or

(vi) a reduction of the benefit as a consequence of the exercise of an option by the member,

or

(c) where the reduction is required to comply with other provisions of this Act.

(3) In subsection (2)—

‘old age (contributory) pension’ means old age (contributory) pension under Part II of the Social Welfare (Consolidation) Act, 1993;

‘pension’ means—

(a) disablement pension,

(b) death benefit under sections 60, 61 or 62,

(c) old age (contributory) pension,

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(d) retirement pension,

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(e) invalidity pension,

(f) widow's (contributory) pension, or

(g) widower's (contributory) pension,

under Part II of the Social Welfare (Consolidation) Act, 1993;

'retirement pension' means retirement pension under Part II of the Social Welfare (Consolidation) Act, 1993.

(4) Where the Minister considers that it would be unreasonable, having regard to their nature and character, and would be contrary to the interests of their members, to require specified schemes or categories of schemes to comply fully with specified provisions of this section, he may by regulations made with the consent of the Minister for Finance provide that those provisions shall apply in relation to those schemes or categories of schemes with specified modifications, being modifications that, in the opinion of the Minister, are reasonable and do not materially alter those provisions."

SCHEDULE A

“SECOND SCHEDULE

RATES OF BENEFITS

PART I

RATES OF PERIODICAL BENEFITS AND INCREASES THEREOF

Description of benefit (1)	Weekly rate (2)	Increase for qualified adult (where payable) (3)	Increase for each qualified child (where payable) (4)	Increase for prescribed relative under section 167 (where payable) (5)	Increase where the person has attained pensionable age and is living alone (where payable) (6)	Increase where the person has attained the age of 80 years (where payable) (7)
	£	£	£	£	£	£
1. Disability Benefit, Unemployment Benefit, Injury Benefit and Health and Safety Benefit ...	73.50	43.20	13.20	—	—	—
2. Death Benefit:						
(a) pension payable to a widow or widower under section 60 ...	95.40	—	17.00	44.80	6.00	—
(b) pension payable to a parent						
(i) reduced rate ...	44.60	—	—	44.80	6.00	—
(ii) maximum rate ...	95.40	—	—	44.80	6.00	—
(c) pension payable to an orphan ...	53.90	—	—	—	—	—
3. Old Age (Contributory) Pension and Retirement Pension:	89.00	55.50	15.20	44.80	6.00	5.00
additional increase for a qualified adult who has attained pensionable age	—	4.40	—	—	—	—
4. Invalidity Pension:	75.20	49.50	15.20	44.80	6.00	5.00
additional increase for a beneficiary who has attained the age of 65 years ...	13.80	—	—	—	—	—
5. Widow's and Widower's (Contributory) Pension and a relevant payment by virtue of section 18(1)(a) of the Social Welfare Act, 1996:	77.10	—	17.00	44.80	6.00	5.00
additional increase for a beneficiary who has attained pensionable age ...	5.00	—	—	—	—	—
6. Orphan's (Contributory) Allowance ...	51.60	—	—	—	—	—

PART II

SCH.A

OCCUPATIONAL INJURIES BENEFITS — GRATUITIES AND GRANT

Description of Grant (1)	Amount (2)
	£
1. Disablement Benefit: Maximum gratuity	6,800
2. Death Benefit: Grant in respect of funeral expenses	500

PART III

DISABLEMENT PENSION

Degree of disablement (1)	Weekly rate (2)
	£
100 per cent.	97.20
90 " "	87.50
80 " "	77.80
70 " "	68.00
60 " "	58.30
50 " "	48.60
40 " "	38.90
30 " "	29.20
20 " "	19.40

PART IV

INCREASES OF DISABLEMENT PENSION

Description of Increase (1)	Weekly Rate (2)
	£
1. Increase where the person is permanently incapable of work ...	73.50
2. Increase where the person requires constant attendance:	
(a) limit of increase except in cases of exceptionally severe dis- ablement	40.30
(b) limit in any other case	80.60

PART V

BEREAVEMENT GRANT

Description of Grant (1)	Amount (2)
Bereavement Grant:	£ 500

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SCHEDULE B

“FOURTH SCHEDULE
RATES OF ASSISTANCE

PART I

RATES OF PERIODICAL SOCIAL ASSISTANCE AND INCREASES THEREOF

Description of assistance (1)	Weekly rate (2)	Increase for qualified adult (where payable) (3)	Increase for each qualified child (where payable) (4)	Increase for prescribed relative under section 167 (where payable) (5)	Increase where the person has attained pensionable age and is living alone (where payable) (6)	Increase where the person has attained the age of 80 years (where payable) (7)
	£	£	£	£	£	£
1. Unemployment Assistance:						
(a) in the case of a person to whom section 121 (1) (a) applies ...	73.50	43.20	13.20	—	—	—
(b) in the case of a person to whom section 121 (1) (b) applies ...	72.00	43.20	13.20	—	—	—
2. Pre-Retirement Allowance ...	73.50	43.20	13.20	—	—	—
3. Disability Allowance ...	73.50	43.20	13.20	—	—	—
4. Old Age (Non-Contributory) Pension	78.50	—	13.20	44.80	6.00	5.00
5. Blind Pension:	73.50	—	13.20	44.80	6.00	5.00
additional increase for a beneficiary who has attained pensionable age	5.00	—	—	—	—	—
6. Widow's (Non-Contributory) Pension, Widower's (Non-Contributory) Pension and a relevant payment by virtue of section 18(1)(b) or (c) of the Social Welfare Act, 1996:	73.50	—	—	44.80	6.00	5.00
additional increase for a beneficiary who has attained pensionable age	5.00	—	—	—	—	—
7. One-Parent Family Payment:	73.50	—	15.20	—	—	5.00
additional increase for a beneficiary who has attained pensionable age	5.00	—	—	—	—	—
8. Carer's Allowance:						
(a) in the case of a person to whom section 165(1)(a) applies	114.80	—	13.20	—	—	—
additional increase for a beneficiary who has attained pensionable age	7.50	—	—	—	—	—
(b) in the case of a person to whom section 165(1)(b) applies	76.50	—	13.20	—	—	—
additional increase for a beneficiary who has attained pensionable age	5.00	—	—	—	—	—
9. Orphan's (Non-Contributory) Pension	51.60	—	—	—	—	—
10. Supplementary Welfare Allowance	72.00	43.20	13.20	—	—	—

PART II

SCH.B

INCREASE OF OLD AGE (NON-CONTRIBUTORY) PENSION AND INCREASE OF BLIND
PENSION (WHERE BENEFICIARY HAS ATTAINED PENSIONABLE AGE) FOR ONE OF A
COUPLE

Means of claimant or pensioner	Weekly rate of increase
	£
Where the weekly means of the claimant or pensioner do not exceed £6	44.20
exceed £6 but do not exceed £8	43.20
exceed £8 but do not exceed £10	42.20
exceed £10 but do not exceed £12	41.20
exceed £12 but do not exceed £14	40.20
exceed £14 but do not exceed £16	39.20
exceed £16 but do not exceed £18	38.20
exceed £18 but do not exceed £20	37.20
exceed £20 but do not exceed £22	36.20
exceed £22 but do not exceed £24	35.20
exceed £24 but do not exceed £26	34.20
exceed £26 but do not exceed £28	33.20
exceed £28 but do not exceed £30	32.20
exceed £30 but do not exceed £32	31.20
exceed £32 but do not exceed £34	30.20
exceed £34 but do not exceed £36	29.20
exceed £36 but do not exceed £38	28.20
exceed £38 but do not exceed £40	27.20
exceed £40 but do not exceed £42	26.20
exceed £42 but do not exceed £44	25.20
exceed £44 but do not exceed £46	24.20
exceed £46 but do not exceed £48	23.20
exceed £48 but do not exceed £50	22.20
exceed £50 but do not exceed £52	21.20
exceed £52 but do not exceed £54	20.20
exceed £54 but do not exceed £56	19.20
exceed £56 but do not exceed £58	18.20
exceed £58 but do not exceed £60	17.20
exceed £60 but do not exceed £62	16.20
exceed £62 but do not exceed £64	15.20
exceed £64 but do not exceed £66	14.20
exceed £66 but do not exceed £68	13.20
exceed £68 but do not exceed £70	12.20
exceed £70 but do not exceed £72	11.20
exceed £72 but do not exceed £74	10.20
exceed £74 but do not exceed £76	9.20
exceed £76 but do not exceed £78	8.20
exceed £78 but do not exceed £80	7.20
exceed £80 but do not exceed £82	6.20
exceed £82	Nil

PART IIA

INCREASE OF BLIND PENSION FOR ONE OF A COUPLE (WHERE THE BENEFICIARY HAS NOT ATTAINED PENSIONABLE AGE)

Means of claimant or pensioner	Weekly rate of increase
	£
Where the weekly means of the claimant or pensioner do not exceed £6	43.20
exceed £6 but do not exceed £8	42.20
exceed £8 but do not exceed £10	41.20
exceed £10 but do not exceed £12	40.20
exceed £12 but do not exceed £14	39.20
exceed £14 but do not exceed £16	38.20
exceed £16 but do not exceed £18	37.20
exceed £18 but do not exceed £20	36.20
exceed £20 but do not exceed £22	35.20
exceed £22 but do not exceed £24	34.20
exceed £24 but do not exceed £26	33.20
exceed £26 but do not exceed £28	32.20
exceed £28 but do not exceed £30	31.20
exceed £30 but do not exceed £32	30.20
exceed £32 but do not exceed £34	29.20
exceed £34 but do not exceed £36	28.20
exceed £36 but do not exceed £38	27.20
exceed £38 but do not exceed £40	26.20
exceed £40 but do not exceed £42	25.20
exceed £42 but do not exceed £44	24.20
exceed £44 but do not exceed £46	23.20
exceed £46 but do not exceed £48	22.20
exceed £48 but do not exceed £50	21.20
exceed £50 but do not exceed £52	20.20
exceed £52 but do not exceed £54	19.20
exceed £54 but do not exceed £56	18.20
exceed £56 but do not exceed £58	17.20
exceed £58 but do not exceed £60	16.20
exceed £60 but do not exceed £62	15.20
exceed £62 but do not exceed £64	14.20
exceed £64 but do not exceed £66	13.20
exceed £66 but do not exceed £68	12.20
exceed £68 but do not exceed £70	11.20
exceed £70 but do not exceed £72	10.20
exceed £72 but do not exceed £74	9.20
exceed £74 but do not exceed £76	8.20
exceed £76	Nil

”.

Section 13.

SCHEDULE C

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Sections 163(1A) (inserted by section 23 of the Act of 1997), 163(3), 165(1) (inserted by section 23 of the Act of 1997), 166, 168, 210(1) (as amended by section 16 of the Act of 1997), 210(2)(d), 210(2) (dd) (inserted by section 12 of the Act of 1998), 210(2)(e) and Rule 1 (6) of Part II of the Third Schedule to the Principal Act.	The substitution for “relevant pensioner” of “relevant person” in each place where it occurs.

SCHEDULE D

Section 17.

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Section 2(3)(b)(ii).	The insertion after “191C(1)(b)” of “, 191N(1)(b)”.
Section 3(12) (as amended by section 15 of the Act of 1996).	The insertion after “191C(3),” of “191O,”
Section 118 (1) (as amended by section 16 (1) (c) of the Act of 1997).	The insertion after paragraph (l) of the following paragraph “(m) farm assist.”
Section 136.	The substitution in subsection (1) for “The rate” of “Subject to section 138A, the rate”.
Section 137 (as amended by section 10 of the (No. 2) Act of 1995).	The substitution for “The weekly rate” of “Subject to section 138A, the weekly rate”.
Section 138 (as amended by section 15 of the Act of 1996).	The substitution for “The increase payable” of “Subject to section 138A, the increase payable”.
Section 191E(1) (as amended by section 22 of the Act of 1997).	The insertion after “retirement pension” of “, farm assist”.
Section 205 (2) (c) (as amended by section 32 of the Act of 1997).	The insertion after “carer’s allowance” of “, farm assist”.
Section 207(1)(c)(i).	The insertion after “unemployment assistance,” of “farm assist,”. The substitution for “121(1)(b)(i),” of “, 121(1)(b)(i), 191N(1)(a),”.
Section 209 (6).	The insertion after paragraph (d) of “(e) farm assist,”.
Section 210 (as amended by section 16 (2) of the Act of 1997).	The insertion in subsection (1) in the definition of “benefit” after paragraph (kkk) of the following paragraph: “(kkkk) farm assist,”, the substitution in paragraph (a) of subsection (2) for “to (kkk)” of “to (kkkk)”, the substitution in paragraph (c) of subsection (2) for “to (kkk)” for “to (kkkk)”.
Section 211 (6).	The substitution for subsection (6) of the following subsection: “(6) A person shall be disqualified for receipt of unemployment assistance, pre-retirement allowance, disability allowance or farm assist while he or she is— (a) resident, whether temporarily or permanently, outside the State, or (b) undergoing penal servitude, imprisonment or detention in legal custody.”.
Part III of the First Schedule to the Principal Act.	The substitution for paragraph 2 of the following paragraph: “2. A self-employed contributor who by virtue of— (a) Chapter 2 of Part III is in receipt of unemployment assistance, (b) Chapter 3 of Part III is in receipt of pre-retirement allowance, or (c) Chapter 14 of Part III is in receipt of farm assist.”.

SCHEDULE E

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Sections 22(3), 22(4), 23(3)(b), 23(3)(c), 30(1)(m), 205(2)(c) (inserted by section 32 of the Act of 1997), 209 (1)(a), 209(2)(a), 209(8) and 211(5).	The substitution for “death grant” of “bereavement grant” in each place where it occurs.
Section 2(2) (as amended by section 28 of the Act of 1997).	The substitution in the definition of “qualified adult” for “section 170” of “section 114, 170”.
Section 2(3) (as amended by section 13 of the Act of 1998).	The substitution in the definition of “qualified child” for “section 114(3)” of “section 114(1)”.
Section 3(12) (as amended by section 22 of the Act of 1996).	The insertion after “99 (3)” of “114”.

SCHEDULE F

Section 30.

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Section 2(1).	The deletion in the definition of “social welfare inspector” of “(other than Chapter 11)”. The insertion after the definition “benefit year” of the following definition: “ ‘bureau officer’ means an officer of the Minister appointed as a bureau officer under section 8(1)(a)(iii) of the Criminal Assets Bureau Act, 1996;”.
Section 175(2).	The substitution for “Every” of “Subject to subsection (1), every”.
Section 176.	The substitution for “health board may, subject to regulations made by the Minister under section 188, determine” of “health board or deciding officer may, subject to regulations made by the Minister under section 188, determine or decide”.
Section 180(1).	The substitution in subsection (1) for “may determine” of “may determine or decide”. The substitution in subsections (1), (2) and (3) for “health board” of “health board or deciding officer” in each place where it occurs.
Section 181.	The substitution for “health board may, in any case where it” of “health board or deciding officer may, in any case where the health board or deciding officer”. The substitution for “determine” of “determine or decide”.
Section 182.	The substitution in subsection (1) for “in determining” of “in determining or deciding”. The substitution in subsection (1) for “health board” of “health board or the deciding officer”. The substitution in subsection (1) for “to it” of “to the health board or deciding officer”. The substitution in subsection (2) for “health board may, if it is” of “health board or deciding officer may, if the health board or deciding officer is”. The substitution in subsection (2) for “determine” of “determine or decide”.
Section 183(a) (as amended by section 15 of the Act of 1996), 184(a) and 184A (inserted by section 21 of the Act of 1995).	The substitution for “health board” of “health board or deciding officer” in each place where it occurs.
Section 249 (as amended by section 32 of the Act of 1996).	The substitution in section 249(a) and 249(b) for “original decision” of “original decision or determination” in each place where it occurs.
Section 266 (as amended by section 30 of the Act of 1996).	The substitution for “section 267” of “section 247, 267”.
Section 277(2) (as amended by section 7 of the Act of 1996).	The substitution in paragraph (a) for “(other than supplementary welfare allowance)” for “(other than supplementary welfare allowance determined by a health board)”.

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Section 278 (as amended by section 7 of the Act of 1996).	<p>The substitution in paragraph (b) for “(other than supplementary welfare allowance under Part III)” of “(other than supplementary welfare allowance determined by a health board under Part III)”.</p> <p>The substitution in paragraph (c) for “any supplementary welfare allowance” of “any supplementary welfare allowance determined by a health board”.</p> <p>The insertion in section 278 after paragraph (c) of the following paragraph:</p> <p>“(d) any supplementary welfare allowance paid in pursuance of the original determination shall be repayable to the Minister to the extent to which it would not have been payable if the revised decision made in accordance with section 248(1A) had been given in the first instance and such person and any other person to whom the supplementary welfare allowance was paid on behalf of such person, or the personal representative of such person, shall be liable to pay on demand by the Minister the sum so repayable.”.</p>
Section 279 (as amended by section 7 of the Act of 1996).	<p>The substitution in subparagraph (ii) for “allowance” of “allowance determined by a health board”.</p> <p>The substitution in subparagraph (iii) for “allowance” of “allowance determined by the health board”.</p>
Section 279A (inserted by section 31 of the Act of 1997).	<p>The substitution in paragraph (b) for “allowance” of “allowance determined by a health board”.</p> <p>The substitution in paragraph (c) for “allowance” of “allowance determined by the health board”.</p>
Section 279B (inserted by section 20 of the Act of 1998).	<p>The substitution in paragraph (b) for “allowance” of “allowance determined by a health board”.</p> <p>The substitution in paragraph (c) for “allowance” of “allowance determined by the health board”.</p>
Section 282 (as amended by section 7 of the Act of 1996).	<p>The substitution for “(other than supplementary welfare allowance)” of “(other than supplementary welfare allowance determined by a health board)”.</p> <p>The substitution of “allowance an officer of a health board” for “allowance determined by a health board an officer of the health board”.</p>
Section 284.	<p>The substitution in the definition of “competent authority” for “recipient;” of “recipient, or the Minister where such allowance was granted by a deciding officer;”.</p>