



Number 6 of 1998

SOCIAL WELFARE ACT, 1998

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[1998.]

Social Welfare Act, 1998.

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Acts Referred to

Blind Persons Act, 1920	1920, c. 49
Civil Legal Aid Act, 1995	1995, No. 32
Data Protection Act, 1988	1988, No. 25
Health Act, 1947	1947, No. 28
Health Act, 1970	1970, No. 1
Health Contributions Act, 1979	1979, No. 4
Housing Act, 1966	1966, No. 21
Housing Act, 1988	1988, No. 28
Housing (Miscellaneous Provisions) Act, 1992	1992, No. 18
Local Authorities (Higher Education Grants) Act, 1968	1968, No. 24
Local Authorities (Higher Education Grants) Act, 1992	1992, No. 19
Local Government Act, 1941	1941, No. 23
Pensions Act, 1990	1990, No. 25
Pensions (Amendment) Act, 1996	1996, No. 18
Social Welfare Act, 1992	1992, No. 5
Social Welfare Act, 1994	1994, No. 4
Social Welfare (No. 2) Act, 1995	1995, No. 23
Social Welfare Act, 1996	1996, No. 7
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SOCIAL WELFARE ACT, 1998

AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE ACTS, SECTION 7A OF THE HEALTH CONTRIBUTIONS ACT, 1979, SECTION 18A OF THE YOUTH EMPLOYMENT AGENCY ACT, 1981, AND SECTION 54 OF THE PENSIONS ACT, 1990. [1st April, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary

1.—(1) This Act may be cited as the Social Welfare Act, 1998. Short title and construction.

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

2.—In this Act— Definitions.

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

“the Act of 1994” means the Social Welfare Act, 1994;

“the No. 2 Act of 1995” means the Social Welfare (No. 2) Act, 1995;

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

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

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. Continuance of instruments.

PART II

Increases

4.—(1) The Principal Act is hereby amended by the substitution for Parts I to IV (inserted by section 3 of the Act of 1997) of the Second Schedule thereto of the Parts set out in *Schedule A* to this Act. Social insurance benefits (new rates).

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(2) This section shall come into operation—

- (a) in so far as it relates to unemployment benefit, on the 28th day of May, 1998,
- (b) in so far as it relates to disability benefit, health and safety benefit, injury benefit, disablement gratuity and disablement pension, on the 1st day of June, 1998,
- (c) 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 4th day of June, 1998, and
- (d) in so far as it relates to death benefit under section 60, 61, 62 or 63 of the Principal Act, old age (contributory) pension, widow's and widower's (contributory) pension and orphan's (contributory) allowance, on the 5th day of June, 1998.

Social assistance payments (new rates).

5.—(1) The Principal Act is hereby amended by the substitution for Parts I and II (inserted by section 4 of the Act of 1997) 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 and disability allowance, on the 27th day of May, 1998,
- (b) in so far as it relates to supplementary welfare allowance, on the 1st day of June, 1998,
- (c) 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, prescribed relative allowance and a relevant payment by virtue of section 18(1)(b) or (c) of the Act of 1996, on the 4th day of June, 1998, and
- (d) 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 5th day of June, 1998.

Child benefit (new rates, etc.).

6.—(1) The Fourth Schedule to the Principal Act is hereby amended by the substitution for Part III (inserted by section 5 of the Act of 1997) of the following Part:

“PART III

Amounts of Child Benefit

Amount for each of first 2 children (1)	Amount for each child in excess of 2 (2)
£31.50	£42.00

”.

(2) Section 194 of the Principal Act (as amended by section 5 of the Act of 1996) is hereby amended by—

[1998.]

Social Welfare Act, 1998.

[No. 6.]

(a) the substitution for subsection (2) of the following Pt.II S.6 subsection:

“(2) Notwithstanding anything in this Part, the monthly benefit payable to a qualified person in respect of a qualified child whose birth was part of—

(a) a multiple birth of two children, of whom two remain qualified, shall be 150 per cent. of the amount as set out in Part III of the Fourth Schedule, or

(b) a multiple birth of three or more children, of whom—

(i) not less than three remain qualified, shall be 200 per cent. of the amount as set out in Part III of the Fourth Schedule,

(ii) not less than two remain qualified, shall be 150 per cent. of the amount as set out in Part III of the Fourth Schedule, and

(iii) one remains qualified, shall be payable at the amount set out in Part III of the Fourth Schedule.”,

(b) the substitution for subsection (4) of the following subsection:

“(4) The amount of the grant payable in accordance with subsection (3) shall be £500.”,

and

(c) the substitution for subsections (6A) (inserted by section 5 of the Act of 1996) and (7) of the following subsections:

“(7) Subject to this Act, a person who is qualified for child benefit shall be paid a grant of £500 in respect of a multiple birth of two or more qualified children, on the 4th and 12th anniversary of the birth of the last born of such multiple birth.

(8) Payment of a grant under subsection (3) or subsection (7) shall be in addition to any child benefit payable by way of a monthly benefit under this Part in respect of the children concerned.”.

(3) This section shall come into operation on the 1st day of September, 1998.

7.—(1) Section 197 of the Principal Act is hereby amended by the substitution for the definition of “weekly family income” (inserted by section 6 of the Act of 1997) of the following definition: Family income supplement (new weekly rates, etc.).

“ ‘weekly family income’ means, subject to regulations under section 202, the amount of income received in a week by a family, less—

[No. 6.] *Social Welfare Act, 1998.* [1998.]

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- (i) any allowable contribution referred to in Regulations 59 and 60 (inserted by the Income Tax (Employments) Regulations, 1972 (S.I. No. 260 of 1972)) of the Income Tax (Employments) Regulations, 1960 (S.I. No. 28 of 1960),
- (ii) any income tax payable under the provisions of the Income Tax Acts as defined in section 1 of the Taxes Consolidation Act, 1997, applicable to Schedule E,
- (iii) any contributions payable under section 10(1)(b) or regulations made under section 11,
- (iv) any contributions payable under section 5 of the Health Contributions Act, 1979,
- (v) any contributions payable under section 16 of the Youth Employment Agency Act, 1981, or
- (vi) any income of a person who in respect of that family is a child.”.

(2) *Subsection (1)* shall come into operation on the 1st day of October, 1998.

(3) The Principal Act is hereby amended by the substitution for section 198 (inserted by section 6 of the Act of 1997) of the following section:

“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, £212,
- (b) in the case of a family which includes 2 children, £232,
- (c) in the case of a family which includes 3 children, £252,
- (d) in the case of a family which includes 4 children, £272,
- (e) in the case of a family which includes 5 children, £297,
- (f) in the case of a family which includes 6 children, £317,
- (g) in the case of a family which includes 7 children, £334, or
- (h) in the case of a family which includes 8 or more children, £351.”.

(4) *Subsection (3)* shall come into operation on the 4th day of June, 1998.

[1998.]

Social Welfare Act, 1998.

[No. 6.]

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

Pt. II
Employment
contributions
(increases in
earnings ceilings,
etc.).

- (a) the substitution in subsection (1)(b) of “£100” for “£80” (inserted by section 8(1)(a) of the Act of 1996),
- (b) the substitution in subsection (1)(c) of “£24,200” for “£23,200” (inserted by section 8(1)(b) of the Act of 1997),
- (c) the substitution in subsection (1)(d)(i) and (ii) of “£270” for “£260” (inserted by section 8(1)(c) of the Act of 1997), and
- (d) the substitution in subsection (1)(e) of “£29,000” for “£27,900” (inserted by section 8(1)(d) of the Act of 1997).

(2) This section shall come into operation on the 6th day of April, 1998.

9.—(1) Section 18(1) of the Principal Act is hereby amended by the substitution in paragraph (d) of “£24,200” for “£23,200” (inserted by section 9(1) of the Act of 1997).

Self-employment
contributions
(increase in income
ceiling).

(2) This section shall come into operation on the 6th day of April, 1998.

PART III

Improvements in Social Welfare Schemes

10.—(1) Rule 1 of Part I of the Third Schedule to the Principal Act is hereby amended by—

Assessment of
means —
improvements.

- (a) the substitution in paragraph (2) (inserted by section 26(1)(a) of the Act of 1997) for subparagraph (p) of the following subparagraph:

“(p) other than in the case of disability allowance and subject to paragraph (6) and (6A), any moneys earned by him or his spouse from insurable employment of a seasonal nature.”,

- (b) the insertion after paragraph (6) (inserted by section 11(1)(b) of the No. 2 Act of 1995) of the following paragraph:

“(6A) other than in the case of disability allowance, the value of all moneys derived by his or her spouse from insurable employment of a seasonal nature, ascertained in the prescribed manner, during the period in which his or her spouse is engaged in such employment, and the value so calculated shall be deemed to constitute the weekly means of that person from such employment.”,

and

- (c) the substitution in paragraph (2) for subparagraph (r) of the following subparagraph:

“(r) other than in the case of disability allowance, an amount of £2,000 together with one-half of any amount in excess of £2,000 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,”.

(2) Rule 1(4) (inserted by section 26(1)(c) of the Act of 1997) of Part II of the Third Schedule to the Principal Act is hereby amended by—

(a) the insertion after subparagraph (b) of the following subparagraph:

“(bb) in the case of carer’s allowance, an amount not exceeding the maximum amount set out at column (2), reference 3 of Part I of the Second Schedule, of a payment corresponding to invalidity pension under Chapter 15 of Part II, from another Member State or under the legislation of any other State with which the Minister has made a reciprocal arrangement under the provisions of section 238,”.

(b) the substitution for subparagraph (q) of the following subparagraph:

“(q) in the case of old age (non-contributory) pension, an amount of £2,000 together with one-half of any amount in excess of £2,000 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,”.

and

(c) the substitution for subparagraph (t) of the following subparagraph:

“(t) for the purposes of old age (non-contributory) pension and widow’s and widower’s (non-contributory) pension, any moneys received in respect of rent from a person who resides with the claimant or beneficiary and but for the residence of such person the claimant or beneficiary would reside alone,”.

(3) Section 4(4)(a) (as amended by section 26(2) of the Act of 1997) of the Principal Act is hereby amended by the substitution for “and 1(6)” of “, 1(6) and 1(6A)”.

[1998.]

Social Welfare Act, 1998.

[No. 6.]

(4) Section 119 (as amended by section 11(3) of the No. 2 Act of 1995) of the Principal Act is hereby amended by the substitution in the definition of “weekly means” for “shall, subject to Rule 1(6)” of “shall, subject to Rule 1(6) or Rule 1(6A), as the case may be,”.

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11.—The Principal Act is hereby amended by the insertion after section 206 of the following section:

Payment in respect of loss of purchasing power.

“Payment in respect of loss of purchasing power.

206A.—(1) Where a person makes a claim for any benefit in accordance with section 205 and the payment of that claim is delayed for a period exceeding 12 months due solely or mainly to circumstances within the control of the Department of Social, Community and Family Affairs and the person has not contributed to such delay, regulations may provide for a payment to be made in respect of the loss of purchasing power, subject to such conditions and in such circumstances as may be prescribed.

(2) In the case of a person to whom subsection (1) applies, the Minister may make regulations to provide for payment of an amount of costs, subject to such minimum and maximum limits as may be prescribed, actually and necessarily incurred by the said person.”.

12.—Section 210(2) (as amended by section 26 of the Act of 1994) of the Principal Act is hereby amended by—

Carer’s allowance — payment after death.

(a) the insertion after paragraph (d) of the following paragraph:

“(dd) where a person is in receipt of carer’s allowance and the relevant pensioner, in respect of whom the carer is providing full-time care and attention, dies, and the carer is the spouse of that pensioner, in any case where the said carer is not entitled to payment under the provisions of paragraph (a), payment of carer’s allowance, in respect of the relevant pensioner, shall continue to be made for a period of 6 weeks after the death of the relevant pensioner, and”.

and

(b) the substitution in paragraph (f) for “(a) or (c)” of “(a), (c) or (dd)” in each place where it occurs.

13.—Section 2 of the Principal Act is hereby amended by—

Amendments to section 2 of Principal Act — definitions.

(a) the substitution in subsection (1) for the definition of “the Minister” of the following definition:

“ ‘the Minister’ means the Minister for Social, Community and Family Affairs;”.

(b) the substitution in subsection (3)(b)(II) for “specified in regulations.” of “specified in regulations, or”, and

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(c) the insertion in subsection (3)(b) after clause (II) of the following clause:

“(III) is of or over the age of 18 years and is regarded as attending a course of study within the meaning of section 126 (3)(a).”.

PART IV

Administration of Public Service Data

Administration of public service data.

14.—(1) The Principal Act is hereby amended by the substitution for section 223 of the following sections:

“Personal public service number.

223.—(1) In this section and sections 223A, 223B and 223C—

‘primary account number’, in relation to a public service card or a card issued under section 223B, means a number consisting of—

- (a) an issuer number, issued under licence from the International Standards Organisation,
- (b) a personal public service number, and
- (c) a card number allocated, in the case of a public service card, by the Minister or, in any other case, by the person who issued the card;

‘specified body’ means—

- (a) a Minister of the Government,
- (b) a local authority (for the purposes of the Local Government Act, 1941),
- (c) a health board,
- (d) the Revenue Commissioners,
- (e) An Foras Áiseanna Saothair,
- (f) An Post,
- (g) An tArd-Chláraitheoir,
- (h) the Legal Aid Board,
- (i) the Garda Síochána and the Defence Forces in respect of their own members, or
- (j) such other person as may be prescribed;

‘spouse’ means—

- (a) each of a married couple, or
- (b) a man and woman who are not married

to each other but are cohabiting as husband and wife; Pt.IV S.14

‘transaction’ means—

- (a) an application,
- (b) a claim,
- (c) a communication,
- (d) a payment, or
- (e) a supply of a service,

relating to public funds to or from a specified body which relates to a natural person.

(2) The Minister may allocate and issue a number (in this Act referred to as a ‘personal public service number’) to each person who is the subject of any transaction with a specified body.

(3) A person who has any transaction with a specified body shall furnish to the Minister such information, as may be prescribed, which is necessary for the allocation and issue of a personal public service number.

(4) A person shall give to a specified body his or her personal public service number and the personal public service numbers of his or her spouse and children, where relevant, as required by that body for the purposes of the person’s transaction.

(5) In this section a reference to a personal public service number shall be construed as including a reference to a number known as a revenue and social insurance number.

(6) A person, other than—

- (i) the person to whom the personal public service number refers,
- (ii) a specified body,
- (iii) a person who has a transaction with a specified body where the number is relevant to the transaction between that person and the specified body, or
- (iv) a person who is required to comply with the provisions of sections 221, 222 or regulations made thereunder,

who uses a personal public service number or seeks to have a personal public service number disclosed to him or her shall be guilty of an offence.

Public service card.

223A.—(1) The Minister may issue a card (in this Act referred to as a ‘public service card’) to a person in such a format as the Minister deems fit, with—

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- (a) the person's name, personal public service number, primary account number and date of issue inscribed, and
- (b) the person's date of birth, gender, primary account number, expiry date of card and card service code electronically encoded,

thereon and with such other information either inscribed or electronically encoded on the card as may be prescribed.

(2) A person may, on request in that behalf to the Minister, obtain within 28 days of such request, where practicable, information which is electronically encoded on his or her public service card.

(3) A person shall produce his or her public service card at the request of a specified body for the purposes of a transaction.

(4) A person who uses or attempts to use a public service card or seeks to have a public service card produced to him or her, other than—

- (a) the person who is the holder of the card or a person appointed to act on behalf of the cardholder,
- (b) a specified body, for the purposes of a transaction, or
- (c) a person who has a transaction with a specified body where the personal public service number on the card is relevant to the transaction between that person and the specified body,

shall be guilty of an offence.

Payment card.

223B.—(1) The Minister may permit such information, as may be prescribed, to be either inscribed or electronically encoded onto a card, which is capable of being so inscribed or encoded, other than a public service card for the purpose of payment of benefit.

(2) A person may, on request in that behalf to the Minister, obtain within 28 days of such request, where practicable, information which is inscribed or electronically encoded on the card to which subsection (1) applies and which relates to him or her.

(3) A person who uses or attempts to use a card to which subsection (1) applies, who is not the holder of the card or a person appointed to act on behalf of the cardholder, for the purposes of obtaining payment of benefit shall be guilty of an offence.

[1998.]

Sharing of
information.

Social Welfare Act, 1998.

[No. 6.]

223C.—(1) In this section—

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‘data controller’ and ‘personal data’ have the same meaning as defined in section 1 of the Data Protection Act, 1988;

‘information’ means any personal data or information extracted from such data;

‘relevant purpose’ means—

- (a) for the purposes of determining entitlement to or control of—
 - (i) benefit,
 - (ii) a service provided by or under sections 45, 58, 59 and 61 of the Health Act, 1970 or regulations made thereunder,
 - (iii) a payment under section 44 (3) of the Health Act, 1947,
 - (iv) an allowance under the Blind Persons Act, 1920,
 - (v) a grant awarded in accordance with regulations made under section 2 (as amended by section 3 of the Local Authorities (Higher Education Grants) Act, 1992) of the Local Authorities (Higher Education Grants) Act, 1968, or
 - (vi) legal aid awarded under the Civil Legal Aid Act, 1995,

or

(b) for the purposes of—

- (i) making an assessment in accordance with section 9 of the Housing Act, 1988,
- (ii) a letting in accordance with section 11 of the Housing Act, 1988,
- (iii) the determining of rent or other payment in accordance with section 58 of the Housing Act, 1966,

or the control thereof.

(2) A specified body holding information may share that information with another specified body who has a transaction with a natural person relating to a relevant purpose, where the specified

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body seeking the information provides the personal public service number of the person who is the subject of the transaction and satisfies the data controller of the specified body holding the information that the information requested is relevant to the transaction for the said purpose between the person and the specified body seeking such information.

(3) A specified body may only seek information for the purposes of a transaction relating to a relevant purpose.

(4) Where information shared between one specified body and another is found to be inaccurate, the specified body on making the discovery shall confirm with the person the correct information and advise the other specified body of the amended information.

(5) A person who, other than for a transaction in respect of a relevant purpose, knowingly seeks or transfers any information held by a specified body relating to another, by using that other's personal public service number, shall be guilty of an offence."

(2) The Principal Act is hereby amended by the substitution in section 4(5) (as amended by section 37 of the Act of 1996) for "111(2) or 115(2)" of "111(2), 115(2), 223(1), 223A(1) or 223B(1)".

Commencement
(Part IV).

15.—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

Miscellaneous Provisions

Sums paid into and out of Social Insurance Fund.

16.—The Principal Act is hereby amended by the substitution for subsection (4) of section 7 of the following subsection:

“(4) Save where otherwise specifically provided—

(a) sums payable into the Fund shall be paid into either the current account of the Fund or the investment account of the Fund, and

(b) sums payable out of the Fund shall be paid out of the current account of the Fund.”.

Actuarial review.

17.—The Principal Act is hereby amended by the insertion after section 7 of the following section:

“Actuarial review.

7A.—(1) The Minister shall cause—

(a) actuarial reviews to be made into the financial condition of the Social Insurance Fund by such persons as

[1998.]

Social Welfare Act, 1998.

[No. 6.]

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the Minister may decide for the purpose of determining the extent to which the Fund may be expected, in the longer term, to meet the demands in respect of payment of benefits and other payments, having regard, in particular, to the adequacy or otherwise of the contributions to support benefits and other payments and such other matters as the Minister considers to be relevant as affecting the current and future financial condition of the Fund,

- (b) a report to be made to the Minister on completion of any such review, and
- (c) a copy of every report under this section to be laid before each House of the Oireachtas within 6 months of the completion of the review.

(2) The date of completion of the first actuarial review under this section shall be a date not later than the 31st day of December, 2002, and the date of completion of each subsequent review shall be a date not later than 5 years after the date of completion of the immediately preceding review.”.

18.—The Principal Act is hereby amended by the substitution for Chapter 3 of Part III of the following Chapter:

Pre-retirement allowance — consolidation of provisions.

“CHAPTER 3

Pre-Retirement Allowance

Entitlement to allowance.

127.—(1) Subject to this Act, an allowance (in this Chapter referred to as ‘pre-retirement allowance’) shall be payable in respect of any period of retirement to a person—

- (a) who has attained the age specified by regulations but has not attained pensionable age,
- (b) whose weekly means, subject to subsection (4), do not exceed the amount of pre-retirement allowance (including any increases thereof) that would be payable to the person under this Chapter if that person had no means, and
- (c) (i) who has been in receipt of unemployment benefit or unemployment assistance in respect of not less than 390 days of unemployment in any continuous period of unemployment in the immediately preceding period as construed in accordance with section 120(3),

(ii) being a separated spouse, has not

engaged in remunerative employment or self-employment at any time in such preceding period as may be prescribed, or

(iii) immediately before the week in respect of which pre-retirement allowance is claimed, was in receipt of—

(A) one-parent family payment, but has ceased to be entitled to such payment by virtue of no longer being regarded as a qualified parent within the meaning of section 157(1), or

(B) carer's allowance, but has ceased to be entitled to such allowance, by virtue of no longer being regarded as a carer within the meaning of section 163(1).

(2) (a) For the purposes of subsection (1)(c)(ii) and subject to section 3(12) a person who is separated from his or her spouse, shall continue to be regarded as a separated spouse where the marriage has been dissolved, being a dissolution that is recognised as valid in the State.

(b) Pre-retirement allowance shall, subject to this Chapter, continue to be payable to a person to whom subsection (1)(c)(ii) applies, unless that person remarries or cohabits as husband and wife, in which case the allowance shall cease.

(3) In this Chapter 'weekly means' shall, subject to Rule 1(6A), be the yearly means divided by 52; means shall be calculated in accordance with the Rules contained in Part I of the Third Schedule.

(4) Where the spouse of a claimant for pre-retirement allowance 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 of the means.

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

128.—(1) Subject to this section and section 122, the rate of pre-retirement allowance (in this Chapter referred to as 'the scheduled rate') shall be the weekly rate set out in column (2) of Part I of the Fourth Schedule increased by—

(a) the amount set out in column (3) of that Part for any period during which the

claimant or beneficiary has a qualified adult, subject to the restriction that the claimant or beneficiary shall not be entitled to an increase under this paragraph in respect of more than one person, and

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

(2) Pre-retirement allowance shall be payable where—

- (a) the weekly means of the claimant or beneficiary do not exceed £2, at the scheduled rate, and
- (b) such weekly means exceed £2, at the scheduled rate reduced by £2 for each amount (if any) of £2 by which those weekly means exceed £2, any fraction of £2 in those weekly means being treated for this purpose as £2:

Provided that, if the rate calculated pursuant to this paragraph at which, but for this proviso, the pre-retirement allowance would be payable is—

- (i) equal to or greater than 10p but less than £1, the allowance shall be payable at the weekly rate of £1, and
- (ii) less than 10p, the allowance shall not be payable.

(3) Any increase of pre-retirement allowance payable pursuant to paragraph (b) of subsection (1) 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 paragraph (b) of subsection (1) shall be construed and have effect accordingly.

Regulations.

129.—The Minister may make regulations for the purpose of giving effect to this Chapter and such regulations may, in particular and without prejudice to the generality of the foregoing—

- (a) specify the age for the purposes of section 127(1)(a),
- (b) specify the periods which shall be regarded as periods of retirement for the purposes of this Chapter,
- (c) specify the circumstances in which a person is to be regarded as a separated

spouse for the purposes of section 127(1)(c)(ii), and

- (d) vary the weekly rate of pre-retirement allowance under section 128, but any such variation shall not reduce the weekly rates applicable immediately before the commencement of such regulations.

Integration of single woman's allowance scheme with pre-retirement allowance scheme.

130.—(1) Notwithstanding this Chapter and regulations made hereunder, where, immediately before the 5th day of November, 1992 (in this Chapter referred to as 'the appointed day') a woman, who had not attained pensionable age, was in receipt of single woman's allowance, pre-retirement allowance shall be payable to her from the appointed day at the same rate as the said single woman's allowance which was payable to her immediately before the said day:

Provided that she continues to satisfy the conditions as to means in accordance with section 127(3).

(2) For the purposes of subsection (1), a woman who was in receipt of single woman's allowance immediately before the appointed day shall be deemed—

(a) to be retired within the meaning of regulations made for the purposes of section 129(b), and

(b) to have complied with the requirement contained in section 127(1)(b).

(3) Any decision made by a deciding officer or by an appeals officer in relation to the award of a single woman's allowance to a woman prior to the appointed day shall be deemed to be a decision to award pre-retirement allowance to such person on and from the said day.

(4) In this Chapter a reference to 'single woman's allowance' means single woman's allowance which was payable by virtue of section 198 (repealed by section 37 of the Social Welfare Act, 1992) of the Social Welfare (Consolidation) Act, 1981, and regulations made thereunder."

19.—The Principal Act is hereby amended by the substitution for subsection (1) of section 141 of the following subsection:

"141.—(1) Subject to this Act—

- (a) subject to paragraph (b), every blind person who has attained the age of 18 years shall be entitled to receive and to continue to receive such pension (in this Act referred to as 'a blind pension') as, under

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Chapter 4 of this Part, he or she would be entitled to receive if he or she had attained pensionable age, subject to the modification that—

- (i) the rate of blind pension payable shall be the weekly rate set out in column (2), reference 5 in Part I of the Fourth Schedule, and
- (ii) the increase payable by virtue of section 137(a), where the beneficiary has attained pensionable age, shall be as set out in Part II of the Fourth Schedule and in all other cases shall be as set out in Part IIA of the Fourth Schedule,

and

(b) the provisions of the said Chapter 4 shall apply in all respects in the case of such person, subject to the modifications that for the statutory conditions contained in section 134(a) there shall be substituted the conditions that the person must—

- (i) have attained the age of 18 years, and
- (ii) be so blind that he or she either cannot perform any work for which eyesight is essential or cannot continue his or her ordinary occupation.”.

20.—(1) The Principal Act is hereby amended by the insertion after section 279A (inserted by section 31 of the Act of 1997) of the following section:

“Recovery of debts.

279B.—Where a person has received moneys from the Department of Social, Community and Family Affairs, which he or she was not entitled to receive, such person shall be liable to repay—

- (a) in the case of benefit, to the Social Insurance Fund,
- (b) in the case of assistance (other than supplementary welfare allowance), child benefit, family income supplement or continued payment for qualified children, to the Minister,
- (c) in the case of supplementary welfare allowance, to the health board,

on demand a sum not exceeding the amount of such money received.”.

(2) Section 281 of the Principal Act is hereby amended by the substitution for subsections (6) and (7) of the following subsections:

“(6) Any benefit, assistance, family income supplement or continued payment for qualified children repayable in accordance with section 278, 279, 279A or 279B may, without prejudice to any other method of recovery, be recovered by deduction from any benefit, assistance (except supplementary welfare allowance) or family income supplement to which such person then is or becomes entitled.

(7) Any child benefit repayable in accordance with section 278, 279, 279A or 279B may, without prejudice to any other

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method of recovery, be recovered by deduction from any payment or payments on account of child benefit to which such person then is or becomes entitled.”.

Disablement benefit
— claims made
outside the
prescribed time.

21.—Section 205 of the Principal Act (as amended by section 32 of the Act of 1997) is hereby amended by—

(a) the insertion in subsection (2)(c) after “occupational injuries benefit” of “(other than disablement benefit under section 54, an increase in disablement benefit under sections 56 and 57 or death benefit by way of pension under sections 60, 61 and 62)”, and

(b) the substitution for subsection (2)(d), (e) and the proviso of the following paragraphs and proviso:

“(d) in the case of disability benefit, sickness allowance or disability allowance, in respect of any period more than 7 days before the date on which the claim is made,

(e) in the case of maternity benefit—

(i) where the claim is made before the end of the week of confinement, payment in respect of any period before the beginning of the week in which the claim is made,

(ii) where the claim is made after the end of the week of confinement, payment in respect of any period before the beginning of the seventh week before the week in which the claim is made not being earlier than the commencement of the week of confinement, and

(f) in the case of disablement benefit under section 54, an increase in disablement benefit under section 56 or section 57 or death benefit by way of pension under sections 60, 61 or 62, in respect of any period more than 3 months before the date on which the claim is made:

Provided that in the case of a benefit to which paragraphs (c), (d), (e) or (f) apply, where a claimant proves to the satisfaction of a deciding officer or an appeals officer that—

(I) on a date earlier than the date on which his or her claim for benefit (including any increase thereof) was made, apart from satisfying the condition of making a claim, he or she was entitled thereto, and

(II) throughout the period between the earlier date and the date on which his or her claim was made there was good cause for the delay in making a claim, he or she shall not be disqualified for receiving payment in respect of any such period referred to in subparagraph (I) which does not exceed 6 months before the date on which the claim is made.”, and

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(c) the substitution in subsection (2D) for “an officer of the Minister appointed by the Minister for this purpose.” of “a deciding officer or an appeals officer, as the case may be.”. Pt.V S.21

22.—The Principal Act is hereby amended by the substitution for section 221 of the following section:

Offences — non-disclosure of information.

“Information required by Minister.

221.—(1) For the purposes of controlling and investigating entitlement to any benefit, under this Act or under schemes administered by or on behalf of the Minister, the Minister may require such persons as may be prescribed to provide him or her with such information in relation to such persons or classes of persons as may be prescribed.

(2) A person who fails to comply with a requirement made of him or her under subsection (1) or regulations made thereunder shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500.”.

23.—(1) The Principal Act is hereby amended by the substitution for subsection (1) of section 212 of the following subsection:

Appointment of officers.

“Social welfare inspectors.

212.—(1) The Minister, or an officer authorised in that behalf by special or general directions of the Minister, may appoint such and so many officers as is appropriate to be social welfare inspectors for the purposes of such provisions of Parts II, III, IV, V, VA, IX and this Part as he or she may determine in the case of such appointments.”.

(2) A social welfare inspector appointed under section 212(1) of the Principal Act and holding office immediately before the commencement of this section shall continue in office as if appointed under subsection (1) (inserted by this section) of section 212.

24.—(1) Section 2 of the Principal Act is hereby amended by the insertion after subsection (4) (inserted by section 38 of the Act of 1996) of the following subsection:

Liabile relative.

“(5) Subject to Part IX of this Act ‘liable relative’ means in relation to any person—

(a) a man who is liable to maintain—

(i) his wife,

(ii) his former wife where the marriage has been dissolved, being a dissolution that is recognised as valid in the State,

while she is in receipt of an allowance or benefit, and

(iii) any qualified child of his in respect of whom an increase in allowance or benefit is payable to the mother, or

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(b) a woman who is liable to maintain—

(i) her husband,

(ii) her former husband where the marriage has been dissolved, being a dissolution that is recognised as valid in the State,

while he is in receipt of an allowance, and

(iii) any qualified child of hers in respect of whom an increase in allowance is payable to the father.”.

(2) Section 247 of the Principal Act (as amended by section 29 of the Act of 1997) is hereby amended by the substitution in subsection (2) for paragraph (dd) (inserted by section 7(3) of the Act of 1996) and (e) of the following paragraphs:

“(e) Part VA (continued payment for qualified children),

(f) Part VI (general provisions relating to social insurance, social assistance and insurability), and

(g) Part IX (liability to maintain family).”.

(3) Section 29(1)(b) of the Act of 1997 is hereby revoked.

(4) Section 284(1) of the Principal Act is hereby amended by the substitution for the definition of “allowance” of the following definition—

“ ‘allowance’ means one-parent family payment, supplementary welfare allowance or a relevant payment by virtue of section 18(1)(a) or (b) of the Social Welfare Act, 1996.”.

(5) Section 286 (as amended by section 29 of the Act of 1997) of the Principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Where a judge of the District Court is satisfied that, at the time of the hearing of an application by the competent authority under subsection (2), the liable relative had failed or neglected to make the contribution required under this section and was able to contribute to the allowance granted, the judge shall order the payment thereof to the competent authority in such a manner as he or she considers proper.”.

Commencement
(Part V).

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 and different provisions.

PART VI

Amendment of Health Contributions Act, 1979 and Youth Employment Agency Act, 1981

Amendment of
section 7A of
Health
Contributions Act,
1979.

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

(a) the substitution in paragraph (1)(a) of “£207” for “£197” (inserted by section 38(1)(a)(i) of the Act of 1997),

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(b) the substitution in paragraph (1)(b) of “£10,750” for “£10,250” (inserted by section 38(1)(a)(ii) of the Act of 1997), and Pt.VI S.26

(c) the substitution in subsection (2) of “£10,750” for “£10,250” (inserted by section 38(1)(b) of the Act of 1997).

(2) This section shall come into operation on the 6th day of April, 1998.

27.—(1) Section 18A of the Youth Employment Agency Act, 1981, is hereby amended by— Amendment of section 18A of Youth Employment Agency Act, 1981.

(a) the substitution in paragraph (1)(a) of “£207” for “£197” (inserted by section 39(1)(a)(i) of the Act of 1997),

(b) the substitution in paragraph (1)(b) of “£10,750” for “£10,250” (inserted by section 39(1)(a)(ii) of the Act of 1997), and

(c) the substitution in subsection (2) of “£10,750” for “£10,250” (inserted by section 39(1)(b) of the Act of 1997).

(2) This section shall come into operation on the 6th day of April, 1998.

PART VII

Amendment of section 54 of Pensions Act, 1990

28.—Section 54 (as amended by section 20 of the Pensions (Amendment) Act, 1996) of the Pensions Act, 1990, is hereby amended by— Amendment of section 54 of Pensions Act, 1990.

(a) the substitution for subsections (1), (2) and (3) of the following subsection:

“(1) The trustees of a scheme shall furnish such information to such persons in such circumstances and within such time limits as may be prescribed in relation to the following, that is to say—

(a) the constitution of the scheme,

(b) the administration and finances of the scheme,

(c) the rights and obligations that arise or may arise under the scheme, and

(d) such other matters as may be prescribed which appear to the Minister to be relevant to schemes in general or to schemes of a particular description to which the scheme belongs.”,

(b) the insertion in subsection (4) of the following paragraph after paragraph (b):

“(c) the Board may by notice in writing request an employer to whom a scheme relates or the trustees of a scheme to furnish the Board with such information and within such time limits as the Board may

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specify in relation to the matters described in subsection (1) and the employer or the trustees shall comply with any such request.”,

and

(c) the deletion in subsection (5) of “or regulations under subsection (3)”.

SCHEDULE A

Section 4.

“Second Schedule

Rates of Benefits

PART I

Rates of Periodical Benefits and Increases Thereof

Description of benefit	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for prescribed relative under section 167 (where payable)	Increase where the person has attained pensionable age and is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	£	£	£	£	£	£
1. Disability Benefit, Unemployment Benefit, Injury Benefit and Health and Safety Benefit ...	70.50	41.20	13.20	—	—	—
2. Death Benefit:						
(a) pension payable to a widow or widower under section 60	92.40	—	17.00	41.80	6.00	—
(b) pension payable to a parent						
(i) reduced rate ...	43.20	—	—	41.80	6.00	—
(ii) maximum rate ...	92.40	—	—	41.80	6.00	—
(c) pension payable to an orphan	50.90	—	—	—	—	—
3. Old Age (Contributory) Pension and Retirement Pension:	83.00	52.50	15.20	41.80	6.00	5.00
additional increase for a qualified adult who has attained pensionable age	—	4.40	—	—	—	—
4. Invalidity Pension:	72.20	46.50	15.20	41.80	6.00	5.00
additional increase for a beneficiary who has attained the age of 65 years ...	10.80	—	—	—	—	—
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:	74.10	—	17.00	41.80	6.00	5.00
additional increase for a beneficiary who has attained pensionable age ...	2.00	—	—	—	—	—
6. Orphan's (Contributory) Allowance	48.60	—	—	—	—	—

Sch.A

PART II

Occupational Injuries Benefits — Gratuities and Grant

Description of Grant (1)	Amount (2)
	£
1. Disablement Benefit: Maximum gratuity	6,590
2. Death Benefit: Grant in respect of funeral expenses	330

PART III

Disablement Pension

Degree of disablement (1)	Weekly rate (2)
	£
100 per cent.	94.20
90 " "	84.80
80 " "	75.40
70 " "	65.90
60 " "	56.50
50 " "	47.10
40 " "	37.70
30 " "	28.30
20 " "	18.80

PART IV

Increases of Disablement Pension

Description of Increase (1)	Weekly Rate (2)
	£
1. Increase where the person is permanently incapable of work ...	70.50
2. Increase where the person requires constant attendance:	
(a) limit of increase except in cases of exceptionally severe dis- ablement	39.60
(b) limit in any other case	77.60

”.

SCHEDULE B

Section 5.

“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 ...	70.50	41.20	13.20	—	—	—
(b) in the case of a person to whom section 121 (1) (b) applies ...	68.40	41.20	13.20	—	—	—
2. Pre-Retirement Allowance ...	70.50	41.20	13.20	—	—	—
3. Disability Allowance ...	70.50	41.20	13.20	—	—	—
4. Old Age (Non-Contributory) Pension	72.50	—	13.20	41.80	6.00	5.00
5. Blind Pension:	70.50	—	13.20	41.80	6.00	5.00
additional increase for a beneficiary who has attained pensionable age	2.00	—	—	—	—	—
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:	70.50	—	—	41.80	6.00	5.00
additional increase for a beneficiary who has attained pensionable age	2.00	—	—	—	—	—
7. One-Parent Family Payment:	70.50	—	15.20	—	—	5.00
additional increase for a beneficiary who has attained pensionable age	2.00	—	—	—	—	—
8. Carer's Allowance:						
(a) in the case of a person to whom section 165(1)(a) applies	110.30	—	13.20	—	—	—
additional increase for a beneficiary who has attained pensionable age	3.00	—	—	—	—	—
(b) in the case of a person to whom section 165(1)(b) applies	73.50	—	13.20	—	—	—
additional increase for a beneficiary who has attained pensionable age	2.00	—	—	—	—	—
9. Orphan's (Non-Contributory) Pension	48.60	—	—	—	—	—
10. Supplementary Welfare Allowance	68.40	41.20	13.20	—	—	—

Sch.B

PART II

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

PART IIA

Sch.B

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	41.20
exceed £6 but do not exceed £8	40.20
exceed £8 but do not exceed £10	39.20
exceed £10 but do not exceed £12	38.20
exceed £12 but do not exceed £14	37.20
exceed £14 but do not exceed £16	36.20
exceed £16 but do not exceed £18	35.20
exceed £18 but do not exceed £20	34.20
exceed £20 but do not exceed £22	33.20
exceed £22 but do not exceed £24	32.20
exceed £24 but do not exceed £26	31.20
exceed £26 but do not exceed £28	30.20
exceed £28 but do not exceed £30	29.20
exceed £30 but do not exceed £32	28.20
exceed £32 but do not exceed £34	27.20
exceed £34 but do not exceed £36	26.20
exceed £36 but do not exceed £38	25.20
exceed £38 but do not exceed £40	24.20
exceed £40 but do not exceed £42	23.20
exceed £42 but do not exceed £44	22.20
exceed £44 but do not exceed £46	21.20
exceed £46 but do not exceed £48	20.20
exceed £48 but do not exceed £50	19.20
exceed £50 but do not exceed £52	18.20
exceed £52 but do not exceed £54	17.20
exceed £54 but do not exceed £56	16.20
exceed £56 but do not exceed £58	15.20
exceed £58 but do not exceed £60	14.20
exceed £60 but do not exceed £62	13.20
exceed £62 but do not exceed £64	12.20
exceed £64 but do not exceed £66	11.20
exceed £66 but do not exceed £68	10.20
exceed £68 but do not exceed £70	9.20
exceed £70 but do not exceed £72	8.20
exceed £72 but do not exceed £74	7.20
exceed £74	Nil

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