



Number 6 of 2024

Social Welfare and Civil Law (Miscellaneous Provisions) Act 2024



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SOCIAL WELFARE AND CIVIL LAW (MISCELLANEOUS PROVISIONS) ACT 2024

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ACTS REFERRED TO

International Protection Act 2015 (No. 66)

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

Social Welfare (Miscellaneous Provisions) Act 2023 (No. 37)

Social Welfare Act 2022 (No. 43)

Social Welfare Consolidation Act 2005 (No. 26)

Social Welfare, Pensions and Civil Registration Act 2018 (No. 37)



Number 6 of 2024

SOCIAL WELFARE AND CIVIL LAW (MISCELLANEOUS PROVISIONS) ACT 2024

An Act to amend the Social Welfare Acts to exclude assessment of child maintenance payments from social welfare means tests and to repeal the provisions relating to liable relatives; to amend the Social Welfare (Miscellaneous Provisions) Act 2023; to make further provision for certain matters relating to persons to whom permission to reside in the State is given under section 60(6) of the International Protection Act 2015 and, for that purpose, to amend the Social Welfare Consolidation Act 2005 and the International Protection Act 2015; and to provide for related matters. [5th March, 2024]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, construction and commencement

1. (1) This Act may be cited as the Social Welfare and Civil Law (Miscellaneous Provisions) Act 2024.
- (2) The Social Welfare Acts and this Act (other than *subsection (5)* and *Chapter 2* of *Part 4*) shall be construed together as one Act.
- (3) *Part 2* shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (4) *Chapter 1* of *Part 4* shall come into operation on such day or days as the Minister may, following consultation with the Minister for Justice and the Minister for Children, Equality, Disability, Integration and Youth, by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (5) *Chapter 2* of *Part 4* shall come into operation on such day or days as the Minister for Justice may, following consultation with the Minister and the Minister for Children, Equality, Disability, Integration and Youth, by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definitions**2.** In this Act—

“Minister” means the Minister for Social Protection;

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

PART 2**LIABLE RELATIVES AND CHILD MAINTENANCE****Definition (Part 2)****3.** In this Part, “Act of 2015” means the Social Welfare (Miscellaneous Provisions) Act 2015.**Amendment of section 2 of Principal Act****4.** Section 2 of the Principal Act is amended—

- (a) in subsection (1), in the definition of “social welfare inspector”, by the substitution of “8 and 9” for “8, 9 and 12”, and
- (b) in subsection (7), by the substitution of “In Part 4 of Schedule 3,” for “Subject to Part 12,”.

Amendment of section 250 of Principal Act**5.** Section 250 of the Principal Act is amended—

- (a) in subsection (1) (amended by section 14 of, and the Schedule to, the Act of 2015), by the substitution of “7A and 8” for “7A, 8 and 12”,
- (b) in subsection (2), by the deletion of paragraph (d),
- (c) in subsection (7) (amended by section 14 of, and the Schedule to, the Act of 2015), by the substitution of “7A and 8” for “7A, 8 and 12”, and
- (d) in subsection (7A) (amended by section 14 of, and the Schedule to, the Act of 2015), by the substitution of “7A and 8” for “7A, 8 and 12”.

Amendment of section 300 of Principal Act**6.** Section 300(2) of the Principal Act is amended—

- (a) in paragraph (h), by the substitution of “and insurability), and” for “and insurability),”,
- (b) in paragraph (hh), by the substitution of “within the meaning of Part 11B.” for “within the meaning of Part 11B, and”, and

- (c) by the deletion of paragraph (i).

Repeal of Part 12 of Principal Act

7. Part 12 of the Principal Act is repealed.

Amendment of Schedule 3 to Principal Act

8. (1) Schedule 3 to the Principal Act is amended—

- (a) in Part 1, by the insertion of the following definition:

“ ‘maintenance payment made to or in respect of a qualified child’ means any maintenance payment made to or in respect of a qualified child that may be prescribed;”

- (b) in Part 2, in Rule 1(2)(b) (amended by section 14 of the Act of 2022), by the substitution of the following clause for clause (ii):

“(ii) in relation to maintenance—

(I) any maintenance payment made to or in respect of a qualified child, and

(II) any moneys received by way of maintenance payments, other than those referred to in subclause (I), in so far as those payments do not exceed the annual housing costs actually incurred by the person subject to the maximum amount that may be prescribed, together with one-half of any amount of maintenance payment in excess of the amount disregarded in respect of housing costs actually incurred (if any),”

- (c) in Part 3, in Rule 1(2)(b) (amended by section 14 of the Act of 2022), by the substitution of the following clause for clause (i):

“(i) in relation to maintenance—

(I) any maintenance payment made to or in respect of a qualified child, and

(II) any moneys received by way of maintenance payments, other than those referred to in subclause (I), in so far as those payments do not exceed the annual housing costs actually incurred by the person subject to the maximum amount that may be prescribed, together with one-half of any amount of maintenance payment in excess of the amount disregarded in respect of housing costs actually incurred (if any),”

- (d) in Part 4, in Rule 1(2)(b) (amended by section 14 of, and the Schedule to, the Act of 2015)—

- (i) in clause (iva), by the deletion of “and”,
 - (ii) in clause (v), in subclause (V), by the substitution of “Part 7A, and” for “Part 7A;”, and
 - (iii) by the insertion of the following clause after clause (v):
 - “(vi) any maintenance payment made to or in respect of a qualified child;”,
 - (e) in Part 4, in A(iii) of the formula in Rule 2(1), by the substitution of “(I) any maintenance payments, other than a maintenance payment made to or in respect of a qualified child, made by a liable relative, and”, for “(I) any maintenance payments made by a liable relative, and”, and
 - (f) in Part 5, in Rule 1(2)(b) (amended by section 20 of the Social Welfare, Pensions and Civil Registration Act 2018), by the substitution of the following clause for clause (ii):
 - “(ii) in relation to maintenance in the case of blind pension, widow’s (non-contributory) pension, widower’s (non-contributory) pension, surviving civil partner’s (non-contributory) pension, guardian’s payment (non-contributory), one-parent family payment or carer’s allowance—
 - (I) any maintenance payment made to or in respect of a qualified child, and
 - (II) any moneys received by way of maintenance payments, other than those referred to in subclause (I), in so far as those payments do not exceed the annual housing costs actually incurred by the person subject to the maximum amount that may be prescribed, together with one-half of any amount of maintenance payment in excess of the amount disregarded in respect of housing costs actually incurred (if any).”.
- (2) In this section, “Act of 2022” means the Social Welfare Act 2022.

PART 3

AMENDMENT OF SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) ACT 2023

Amendment of Social Welfare (Miscellaneous Provisions) Act 2023

9. Section 13 of the Social Welfare (Miscellaneous Provisions) Act 2023 is amended, in subsection (2), by the substitution of “1 May” for “3 September”.

PART 4

BENEFICIARIES OF TEMPORARY PROTECTION

CHAPTER 1

*Amendment of Principal Act***Disqualification from certain payments where person is resident in designated accommodation centre**

10. The Principal Act is amended by the insertion of the following section after section 247C:

“247D. (1) A person who has been given a permission to reside in the State under section 60(6) of the Act of 2015, which permission is valid, shall be disqualified from receiving any assistance specified in section 139(1), other than supplementary welfare allowance, in so far as it relates to the payment of that allowance in accordance with section 201 or 202, for any week or part of a week during which he or she is resident in a designated accommodation centre.

(2) In this section—

‘Act of 2015’ means the International Protection Act 2015;

‘designated accommodation centre’ has the same meaning as it has in section 60 of the Act of 2015.”.

CHAPTER 2

*Amendment of International Protection Act 2015***Amendment of International Protection Act 2015**

11. Section 60 of the International Protection Act 2015 is amended—

(a) by the insertion of the following definition in subsection (1):

“ ‘designated accommodation centre’ means a premises designated under subsection (14A)(a);”

(b) in subsection (10)—

(i) by the substitution of “a person who has been given a permission to reside in the State under subsection (6), which permission is valid,” for “a displaced person to whom subsection (2) applies”, and

(ii) by the substitution of the following paragraph for paragraph (b):

“(b) to receive, upon and subject to the same conditions applicable to Irish citizens, the same medical care and, other than while he or she

is resident in a designated accommodation centre, the same social welfare benefits as those to which Irish citizens are entitled, and”,

and

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

“(14A) The Minister for Children, Equality, Disability, Integration and Youth—

- (a) may, where he or she is satisfied that the premises concerned are suitable for the purpose, designate in writing such and so many premises as he or she considers appropriate for the accommodation of persons who have been given a permission to reside in the State under subsection (6), which permission is valid, and
- (b) shall, as soon as practicable after a designation is made under paragraph (a), ensure that the fact of such designation is published on a website maintained by or on behalf of him or her or the Government.”.