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*Number 41 of 2014*

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**Social Welfare and Pensions (No. 2) Act 2014**

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*Number 41 of 2014*

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## **Social Welfare and Pensions (No. 2) Act 2014**

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An Act to amend the Social Welfare Acts; to amend the Pensions Act 1990; and to provide for related matters. [25th December, 2014]

**Be it enacted by the Oireachtas as follows:** 5

### **Definitions**

1. In this Act—

“Act of 2012” means the Social Welfare Act 2012;

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

### **Amounts of child benefit** 10

2. (1) The Principal Act is amended—

(a) in section 221—

(i) by the substitution of the following subsection for subsection (1) (amended by section 8 of the Act of 2012):

“(1) Subject to this Act, a qualified person shall be paid a monthly benefit of €135 in respect of each qualified child.” 15

and

(ii) by the substitution of the following subsection for subsection (2) (amended by section 17 of, and Schedule 3 to, the Social Welfare Law Reform and Pensions Act 2006): 20

“(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 2 children, of whom 2 remain qualified, shall be 150 per cent of the amount specified in subsection (1), or 25

(b) a multiple birth of 3 or more children, of whom—

(i) not less than 3 remain qualified, shall be 200 per cent of the amount specified in subsection (1),

(ii) not less than 2 remain qualified, shall be 150 per cent of the amount specified in subsection (1), or 30

(iii) one remains qualified, shall be payable at the amount specified in subsection (1).”,

and

(b) in Schedule 4, by the repeal of Part 4 (amended by section 8 of the Act of 2012).

(2) This section comes into operation on 1 January 2015. 5

### **Means assessment for one-parent family payment**

3. Rule 1(4) (amended by section 11 of the Social Welfare Act 2011) of Part 5 of Schedule 3 to the Principal Act is amended—

(a) in subparagraph (a), by the substitution of “subject to this paragraph,” for “subject to subparagraph (b).”, 10

(b) in subparagraph (c), by the substitution of “shall be disregarded, and” for “shall be disregarded.”,

(c) by the substitution of the following subparagraph for subparagraph (d):

“(d) in calculating the weekly earnings for the purposes of subparagraph (a) for any period commencing on or after 1 January 2014, an amount of €90 together with half the weekly earnings in excess of that amount shall be disregarded.”, 15

and

(d) by the deletion of subparagraphs (e) and (f).

### **Amendment of Pensions Act 1990** 20

4. The Pensions Act 1990 is amended by the insertion of the following section after section 48A (inserted by section 10 of the Social Welfare and Pensions (No. 2) Act 2013):

#### **“Payment of moneys by Minister for Finance in respect of liabilities accruing under certain relevant schemes**

**48B.** (1) The Minister for Finance may, at the request of the Minister, following consultation with the Minister for Public Expenditure and Reform, pay moneys to an approved person for the purpose of the discharge by the approved person of the liabilities of an eligible pension scheme, referred to in paragraph (b) of the definition of eligible pension scheme. 25 30

(2) The Minister for Finance may, after consultation with the Minister for Public Expenditure and Reform, authorise a person to be an approved person for the purposes of this section.

(3) The moneys referred to in subsection (1) that are required by the Minister for Finance for the making of a payment under that 35

subsection shall be paid out of the Central Fund or the growing produce thereof.

(4) In this section—

‘approved person’ means a person authorised under subsection (2);

‘eligible pension scheme’ means a relevant scheme where the date of the winding up of the scheme is on or after 25 January 2007 and before 25 December 2013 and in respect of which—

(a) the employer participating in the relevant scheme is, or where more than one employer participates in such scheme, all of the employers participating in the scheme are, at the date of the winding up insolvent for the purposes of the Protection of Employees (Employers’ Insolvency) Act 1984, and

(b) the resources of the relevant scheme are not sufficient to discharge in whole or in part, the liabilities of the scheme in respect of—

(i) 50 per cent of the benefits specified in paragraph 1 of the Third Schedule to or in respect of those persons who, at the date of the winding up of the scheme, were within the categories referred to in that paragraph, to the extent that those benefits have not already been discharged, and

(ii) 50 per cent of the benefits specified in paragraphs 2, 3 and 4 of the Third Schedule to or in respect of those members of the scheme who, at the date of the winding up of the scheme, were within the categories referred to in those paragraphs, to the extent that those benefits have not already been discharged.

(5) A reference to ‘effective date of the certificate’ in the Third Schedule shall, insofar as it relates to an eligible pension scheme, be construed as a reference to the date of the winding up of the eligible pension scheme concerned, with any necessary modifications.”.

#### Short title, construction and collective citations

5. (1) This Act may be cited as the Social Welfare and Pensions (No. 2) Act 2014. 30

(2) The Social Welfare Acts and this Act (other than *section 4*) shall be construed together as one Act.

(3) The Pensions Act 1990 to 2014 and *section 4* shall be construed together as one Act and the collective citation “Pensions Acts 1990 to 2014” shall include that section.