



Number 8 of 2002

**SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) ACT,
2002**

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ACTS REFERRED TO

Births and Deaths Registration Act (Ireland), 1880	43 & 44 Vict., c. 13
Births and Deaths Registration Acts, 1863 to 1996	
Births, Deaths and Marriages Registration Act, 1972	1972, No. 25
Charities Act, 1961	1961, No. 17
Charities Act, 1973	1973, No. 13
Combat Poverty Agency Act, 1986	1986, No. 14
Courts and Court Officers Act, 1995	1995, No. 31
Family Law (Maintenance of Spouses and Children) Act, 1976	1976, No. 11
Health Contributions Act, 1979	1979, No. 4
Marriages (Ireland) Act, 1844	7 & 8 Vict., c. 81
Registration of Births Act, 1996	1996, No. 36
Registration of Births and Deaths (Ireland) Act, 1863	26 & 27 Vict., c. 11
Registration of Marriages (Ireland) Act, 1863	26 & 27 Vict., c. 90
Social Welfare (Consolidation) Act, 1993	1993, No. 27
Social Welfare Act, 1996	1996, No. 7
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**SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) ACT,
2002**

AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE ACTS, THE CHARITIES ACT, 1961, THE COMBAT POVERTY AGENCY ACT, 1986, THE HEALTH CONTRIBUTIONS ACT, 1979, THE BIRTHS AND DEATHS REGISTRATION ACTS, 1863 TO 1996, THE MARRIAGES (IRELAND) ACT, 1844, THE REGISTRATION OF MARRIAGES (IRELAND) ACT, 1863, THE FAMILY LAW (MAINTENANCE OF SPOUSES AND CHILDREN) ACT, 1976, AND THE VITAL STATISTICS AND BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1952.

[27th March, 2002]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

AMENDMENTS TO THE SOCIAL WELFARE ACTS

1.—In this Act—

Definitions.

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

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

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

“Act of 1999” means the Social Welfare Act, 1999;

“Act of 2000” means the Social Welfare Act, 2000;

“Act of 2001” means the Social Welfare Act, 2001;

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

2.—(1) The Fourth Schedule to the Principal Act is amended by substituting the following for Part III (inserted by section 34 of the Act of 2001):

Child benefit (new rates).

Pr.1 S.2

“PART III

AMOUNTS OF CHILD BENEFIT

Amount for each of first 2 children	Amount for each child in excess of 2
(1)	(2)
€117.60	€147.30

”.

(2) This section comes into operation on 1 April 2002.

Respite care grant — increase.

3.—(1) The Principal Act is amended—

(a) in section 82F(1) (as amended by section 37 of the Act of 2001), by substituting “€1,270” for “€1,016” and “€635” for “€508”, and

(b) in section 168A(2) (as amended by section 37 of the Act of 2001), by substituting “€1,270” for “€1,016” and “€635” for “€508”.

(2) This section comes into operation on 1 June 2002.

Widowed parent grant — amount of grant.

4.—Section 116A(1) (inserted by section 13 of the Act of 2000) of the Principal Act is amended by substituting “€2,500” for “£1,000”.

Disability benefit — linking provisions.

5.—Section 31(3) of the Principal Act is amended by inserting the following after paragraph (d):

“(dd) notwithstanding paragraph (d), in the case of a person who, on or after 1 April 2002, has been in receipt of disability benefit for not less than 1,560 days in respect of a period of incapacity for work and who, within the same period of interruption of employment, has subsequent periods of incapacity for work, any two such subsequent periods of incapacity within that period of interruption of employment not separated by a period of more than 13 weeks shall be treated as one period of incapacity for work.”.

Unemployment assistance and pre-retirement allowance — linking provisions.

6.—(1) Section 120(5) (as amended by section 30 of the Act of 1997) of the Principal Act is amended—

(a) in paragraph (g), by deleting “or”, and

(b) by substituting the following for paragraph (h):

“(h) participation in, employment under or attendance at a prescribed scheme or course, or

(i) receipt of or entitlement to pre-retirement allowance.”.

(2) Section 127 (inserted by section 18 of the Act of 1998) of the Principal Act is amended by inserting the following after subsection (4):

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“(5) For the purposes of subsection (6), any two periods of retirement not separated by more than 52 weeks shall be treated as one continuous period of retirement. Pr.1 S.6

(6) Subsection (1)(c) shall not apply in the case of a claim to pre-retirement allowance made by a person in respect of a period of retirement which is a continuous period of retirement as construed in accordance with subsection (5).”.

(3) This section comes into operation on 27 March 2002.

7.—(1) Section 2 of the Principal Act is amended by inserting the following after subsection (4) (inserted by section 38 of the Act of 1996): Qualified child — extension to end of academic year.

“(4A) (a) Subject to paragraph (b)—

(i) notwithstanding subsection (3)(a), a person who reaches the age of 18 years while attending a full-time day course of study, instruction or training at an institution of education, shall continue to be regarded as a qualified child for the purposes of that subsection until the next following 30 June or until he or she completes the full-time day course, whichever is earlier, and

(ii) notwithstanding section 170, a person who reaches the age of 18 years while attending a full-time day course of study, instruction or training at an institution of education, shall continue to be regarded as a child dependant for the purposes of that section until the next following 30 June or until he or she completes the full-time day course, whichever is earlier.

(b) For the purposes of paragraph (a), the Minister may prescribe the conditions subject to which a person shall be regarded as attending a full-time day course of study, instruction or training at an institution of education.

(c) In this subsection, ‘institution of education’ has the meaning assigned to it by section 126(2).”.

(2) This section comes into operation—

(a) in so far as it relates to unemployment assistance, pre-retirement allowance and farm assist, on 27 March 2002,

(b) in so far as it relates to unemployment benefit, on 28 March 2002, and

(c) in so far as it relates to disability benefit, health and safety benefit, injury benefit and supplementary welfare allowance, on 1 April 2002.

[No. 8.] *Social Welfare (Miscellaneous Provisions) Act, 2002.* [2002.]

Pr.1
Disability allowance
— amendment of
rounding provision.

8.—Section 191A(1) (as amended by section 37 of the Act of 2001) of the Principal Act is amended by substituting the following for the definition of “weekly means”:

“ ‘weekly means’ means, subject to Rule 1(1) of Part I of the Third Schedule, the yearly means divided by 52:

Provided that the amount so calculated shall be rounded to the nearest €1 where it is not a multiple of 50 cent or €1.”.

Maternity and
adoptive benefit —
amendment to
contribution
conditions.

9.—The Principal Act is amended—

(a) by substituting the following for paragraph (b) of section 38 (as amended by section 20 of the Act of 2001):

“(b) in the case of a person in insurable self-employment—

- (i) that the claimant has qualifying contributions in respect of not less than 52 contribution weeks in the last complete contribution year or in the second last complete contribution year before the beginning of the benefit year in which the relevant day occurs, or in a subsequent complete contribution year before the relevant day, or
- (ii) where the claimant was previously an employed contributor, that she satisfies the contribution conditions in paragraph (a)(i) or that she has employment contributions in respect of not less than 39 contribution weeks in the 12 months immediately preceding the relevant day.”,

and

(b) by substituting the following for paragraph (b) of section 41H(1) (as amended by section 20 of the Act of 2001):

“(b) in the case of a person in insurable self-employment—

- (i) that the claimant has qualifying contributions in respect of not less than 52 contribution weeks in the last complete contribution year or in the second last complete contribution year before the beginning of the benefit year in which the relevant day occurs, or in a subsequent complete contribution year before the relevant day, or
- (ii) where the claimant was previously an employed contributor, that he or she satisfies the contribution conditions in paragraph (a)(i) or that he or she has employment contributions in respect of not less than 39 contribution weeks in the 12 months immediately preceding the relevant day.”.

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10.—(1) For the purposes of determining a person’s entitlement to benefit under— Pt.1

- (a) section 32(1) (as amended by section 20 of the Act of 2001),
- (b) section 32(3) (as amended by section 17 of the Act of 1997),
- (c) section 38(a), 41B(1)(a), 41H(1)(a) or 43(1) (each as amended by section 20 of the Act of 2001), or
- (d) section 82C(1)(a) (inserted by section 10 of the Act of 2000),

Amendments consequential on the alignment of the income tax year with the calendar year.

of the Principal Act, in respect of the benefit year commencing on 6 January 2003 and ending on 4 January 2004, those sections shall be read as if “second last complete contribution year” were substituted for “last complete contribution year”.

(2) For the purposes of determining a person’s entitlement to benefit under section 38(b) or 41H(1)(b) (both as amended by section 9 of this Act) of the Principal Act, in respect of the benefit year commencing on 6 January 2003 and ending on 4 January 2004, those sections shall be read as if “in the second last complete contribution year or in the third last complete contribution year” were substituted for “in the last complete contribution year or in the second last complete contribution year”.

(3) For the purposes of determining a person’s entitlement to benefit under—

- (a) section 32(1), 38(a), 41B(1)(a), 41H(1)(a) or 43(1), or
- (b) section 82C(1)(c) (inserted by section 10 of the Act of 2000),

of the Principal Act, in respect of the benefit year commencing on 6 January 2003 and ending on 4 January 2004, those sections shall be read as if “in the second last and third last complete contribution years” were substituted for “in each of the last 2 complete contribution years”.

(4) For the purposes of determining a person’s entitlement to bereavement grant under section 115(1)(b)(ii) (inserted by section 19 of the Act of 1999) of the Principal Act, in respect of the benefit year commencing on 6 January 2003 and ending on 4 January 2004, that section shall be read as if “the 3 or 5 complete contribution years immediately preceding the last complete contribution year” were substituted for “the last 3 or 5 complete contribution years”.

11.—The Principal Act is amended by inserting the following after section 29B (inserted by section 23 of the Act of 2000):

PRSI arrangements for certain personal pensions.

“Return of contributions — payments to personal pensions.

29C.—(1) Regulations may provide for the return, subject to any conditions, restrictions or deductions that may be prescribed, of so much, if any, as may be prescribed of any employment contribution under section 10(1)(b) paid by, or in respect of, an employed contributor, or of any self-employment contribution paid by a self-employed contributor under section 18(1)(c), in respect of such amount as may be prescribed of—

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Pr.1 S.11

(a) any payment made by the person to a Personal Retirement Savings Account,

(b) any payment made by the person which is a qualifying premium under an annuity contract for the time being approved by the Revenue Commissioners under Chapter 2 of Part 30 of the Taxes Consolidation Act, 1997, or

(c) any payment made by the person which is a contribution allowable under section 774 or 776 of the Taxes Consolidation Act, 1997, as a deduction from emoluments in assessing those emoluments to income tax under Schedule E of that Act.

(2) In this section ‘Personal Retirement Savings Account’ has the meaning assigned to it by such enactment as may be prescribed.”.

Personal public service number — extension of provisions.

12.—(1) Section 223 (as amended by section 32 of the Act of 2000) of the Principal Act is amended—

(a) in subsection (1)—

(i) by inserting the following before the definition of “primary account number”:

“ ‘personal public service number’ means a number allocated and issued in accordance with subsection (2);”

(ii) by inserting the following after the definition of “primary account number”:

“ ‘public service identity’, in relation to a person, means the information specified in subsection (3) and the person’s personal public service number;”

(iii) in the definition of “specified body”, by inserting the following after paragraph (c):

“(cc) the Civil Service Commissioners,”

and

(iv) in the definition of “transaction”, by substituting “relating to a public function of a specified body” for “relating to public funds to or from a specified body”,

and

(b) by substituting the following for subsections (2) to (6):

“(2) The Minister may allocate and issue a personal public service number to each person who is the subject of any transaction with a specified body.

- (3) (a) For the purposes of allocating and issuing a personal public service number, a person or, in the case of a deceased person, a personal representative, who has any transaction with a specified body shall furnish to the Minister the following information in relation to the person or the deceased person, as the case may be: Pt.1 S.12
- (i) surname;
 - (ii) forename;
 - (iii) date of birth;
 - (iv) place of birth;
 - (v) sex;
 - (vi) all former surnames (if any);
 - (vii) all former surnames (if any) of his or her mother;
 - (viii) address;
 - (ix) nationality;
 - (x) date of death;
 - (xi) such other information as may be prescribed which, in the opinion of the Minister, is relevant to and necessary for the allocation of a personal public service number.
- (b) Where a person who has a transaction with a specified body is under the age of 18 years, the following information in relation to the person shall be furnished to the Minister—
- (i) the information specified in paragraph (a), and
 - (ii) the public service identity of his or her mother and father.
- (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 the body for the purposes of the person's transaction.
- (5) Where a specified body collects from a person any of the information specified in subsection (3), that information shall also be collected for the purpose of maintaining the person's public service identity.
- (6) (a) Where a specified body has a transaction with a person, the Minister may share the person's public service identity with the specified body to the extent necessary for authentication by the specified body of the person's public service identity.

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Pr.1 S.12

(b) A specified body may use a person's public service identity in performing its public functions insofar as those functions relate to the person concerned.

(7) Where an tArd-Chláraitheoir collects information relating to the registration of the birth of a person, the information shall also be collected for the purpose of allocating the person's personal public service number.

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

(9) A person, other than—

(a) the person to whom the personal public service number concerned refers,

(b) a specified body,

(c) a person who has a transaction with a specified body where the personal public service number is relevant to the transaction between the person and the specified body, or

(d) a person who is required to comply with the provisions of section 221 or 222 or regulations made under those sections,

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.”.

(2) Section 4(5) (as amended by section 14 of the Act of 1998) of the Principal Act is amended by substituting “223(1), 223(3), 223A(1)” for “223(1), 223A(1)”.

Social Insurance Fund — expenditure on benefit.

13.—Section 6A (inserted by section 29 of the Act of 2000) of the Principal Act is amended in subsection (2)(d) by substituting “dental treatment or optical treatment and appliances” for “dental treatment” in each place where it occurs.

Contributions — application of Taxes Consolidation Act, 1997.

14.—The Principal Act is amended—

(a) in section 14, by substituting the following for subsection (4):

“(4) The provisions of any enactment, regulation or rule of court relating to the inspection of records, the estimation, collection and recovery (including the provisions relating to the offset of taxes and appropriation of payments in Chapter 5 of Part 42 of the Taxes Consolidation Act, 1997) of, or the furnishing of returns by employers in relation to, income tax, or relating to appeals in relation to income tax, or the publication of names of persons under section 1086 of the Taxes Consolidation Act, 1997, shall apply in relation to employment contributions which the Collector-General is obliged to collect as if the contributions were an amount of income tax which the employer was liable to remit to the

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Collector-General under the Income Tax (Employments) (Consolidated) Regulations 2001 (S.I. No. 559 of 2001).”, Pt.1 S.14

and

(b) in section 20, by substituting the following for subsection (3):

“(3) The provisions of any enactment or instrument made under any enactment relating to the estimation, collection or recovery (including the provisions relating to the offset of taxes and appropriation of payments in Chapter 5 of Part 42 of the Taxes Consolidation Act, 1997) of income tax or the inspection of records for those purposes or relating to appeals in relation to income tax or the publication of names of persons under section 1086 of the Taxes Consolidation Act, 1997, shall apply in relation to self-employment contributions in respect of reckonable emoluments which the Collector-General is obliged to collect as if the contributions were an amount of income tax which the employer was liable to remit to the Collector-General under the Income Tax (Employments) (Consolidated) Regulations 2001 (S.I. No. 559 of 2001).”.

15.—Section 82B(5) (as amended by section 26(1)(b) of the Act of 2001) of the Principal Act is amended by substituting “34” for “38”. Carer’s benefit — improvement.

PART 2

MISCELLANEOUS AMENDMENTS

16.—The Combat Poverty Agency Act, 1986, the Charities Act, 1961, the Health Contributions Act, 1979, the Births and Deaths Registration Acts, 1863 to 1996, the Marriages (Ireland) Act, 1844, the Registration of Marriages (Ireland) Act, 1863, the Family Law (Maintenance of Spouses and Children) Act, 1976, and the Vital Statistics and Births, Deaths and Marriages Registration Act, 1952, are amended to the extent specified in the *Schedule* to this Act. Miscellaneous amendments.

PART 3

SHORT TITLE, CONSTRUCTION AND COMMENCEMENT

17.—(1) This Act may be cited as the Social Welfare (Miscellaneous Provisions) Act, 2002. Short title, construction and commencement.

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

(3) This Act (other than *sections 1 to 9 and 13* and this section) 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 and for the amendments effected by *Part 2* of this Act of different enactments or of different provisions of those enactments and the application of those amendments to different districts within the meaning of the Births and Deaths Registration Acts, 1863 to 1996.

Section 16.

SCHEDULE

MISCELLANEOUS AMENDMENTS EFFECTED BY SECTION 16

PART 1

AMENDMENT OF COMBAT POVERTY AGENCY ACT, 1986

Item	Provision affected or inserted	Amendment
1	Section 7	<p>Insert the following after subsection (8):</p> <p>“(9) Members of the Agency may be paid, out of moneys at the disposal of the Agency, such remuneration (if any) and allowances for expenses incurred by them as the Minister, with the consent of the Minister for Finance, may determine.”.</p>
2	Section 8	<p>Substitute the following for subsection (8):</p> <p>“(8) A person shall not receive any remuneration for acting as a member of a committee appointed under subsection (7) of this section, but may be paid such travelling and subsistence allowances as are approved of by the Minister with the consent of the Minister for Finance.”.</p>

PART 2

SCH.

AMENDMENT OF CHARITIES ACT, 1961

Item	Provision affected or inserted	Amendment
1	Section 29 (as amended by section 8 of the Charities Act, 1973, and section 52 of the Courts and Court Officers Act, 1995)	<p>(a) Substitute the following for subsection (2):</p> <p>“(2) Whenever any of the circumstances specified in subsection (1) of section 47 exist in relation to any charitable gift, the Board, if they think fit, may by order frame a scheme for the application <i>cy-près</i> of the property comprised in the charitable gift.”</p> <p>(b) Substitute the following for subsection (4):</p> <p>“(4) Where—</p> <p>(a) a scheme for the application of a charitable gift has been framed by order of a Court, and</p> <p>(b) circumstances exist in relation to the scheme, being circumstances whose existence in relation to a charitable gift would enable the property comprised in the gift to be applied <i>cy-près</i>,</p> <p>the Board, if they think fit, may, for the application <i>cy-près</i> of the property comprised in the charitable gift, by order revoke the scheme and frame, in lieu thereof, a new scheme or revoke the scheme in part or otherwise amend the scheme.”</p>
2	Section 34 (as amended by section 11 of the Charities Act, 1973)	<p>(a) Insert the following after subsection (4):</p> <p>“(4A) Every disposition being a lease authorised under subsection (1) shall be effected in such manner as the Board may approve and shall contain such covenants, conditions or other provisions, if any, as the Board shall require.”</p> <p>(b) In subsection (6), substitute the following for paragraph (d):</p> <p>“(d) accepting a surrender of a lease or other contract of tenancy of it, or</p> <p>(e) leasing it.”</p>

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SCH.

PART 3

AMENDMENT OF HEALTH CONTRIBUTIONS ACT, 1979

Item	Provision affected or inserted	Amendment
1	Section 7A (as amended by section 38 of the Act of 1997)	<p>Insert the following after subsection (2):</p> <p>“(3) The Minister may make regulations providing that, subject to any conditions that may be prescribed, any health contributions deducted from a person under section 6 of this Act—</p> <p>(a) in respect of any payment made by the person to a Personal Retirement Savings Account (within the meaning of section 29C (inserted by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Social Welfare (Consolidation) Act, 1993),</p> <p>(b) in respect of any payment made by the person which is a qualifying premium under an annuity contract for the time being approved by the Revenue Commissioners under Chapter 2 of Part 30 of the Taxes Consolidation Act, 1997, or</p> <p>(c) in respect of any payment made by the person which is a contribution allowable under section 774 or 776 of the Taxes Consolidation Act, 1997, as a deduction from emoluments in assessing those emoluments to income tax under Schedule E of that Act,</p> <p>shall, in so far as relief from income tax is allowed in respect of the payment concerned, be repaid to that person.”.</p>

PART 4

AMENDMENT OF REGISTRATION OF BIRTHS AND DEATHS (IRELAND) ACT, 1863

Item	Provision affected or inserted	Amendment
1	Section 3	<p>After the definition of “occupier”, insert the following definition:</p> <p>“ ‘prescribed’ means prescribed by regulations made by the Minister for Health and Children:”.</p>
2	Section 5	<p>Substitute the following for section 5:</p> <p>“Seal.</p> <p>5.—(1) Oifig an tArd-Chláraitheora shall provide itself with a seal.</p> <p>(2) The seal shall be authenticated by the signature of an tArd-Chláraitheoir or a member of his or her staff duly authorised by an tArd-Chláraitheoir to act in that behalf.</p> <p>(3) Judicial notice shall be taken of the seal and every document purporting to be an instrument made by Oifig an tArd-Chláraitheora and to be sealed with the seal of Oifig an tArd-Chláraitheora (purporting to be authenticated in accordance with subsection (2) of this section) shall be received in evidence and be deemed to be such an instrument without proof unless the contrary is shown.”.</p>

Item	Provision affected or inserted	Amendment
3	Section 30	<p>Substitute the following for all of the words from “in one of the said register books” to the end of the provision:</p> <p>“in a register referred to in section 30A (inserted by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of this Act—</p> <p>(a) the particulars required to be registered relating to a birth as specified in the Schedule (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) to the Registration of Births Act, 1996, and</p> <p>(b) the particulars required to be registered relating to a death as specified in the Fourth Schedule (inserted by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) to the Births and Deaths Registration Act (Ireland), 1880,</p> <p>in the manner directed by an tArd-Chláraitheoir.”.</p>
4	Sections 30A, 30B and 30C	<p>Insert the following after section 30:</p> <p>“Keeping of registers.</p> <p>30A.—(1) An tArd-Chláraitheoir shall keep and maintain the registers referred to in section 30 of this Act, in any form, subject to their being capable of being converted into a legible form and being used to make a legible copy or reproduction of any entry in the registers.</p> <p>(2) Every document purporting to be a copy of or extract from an entry in the registers kept under this section shall be received in evidence in any proceedings and shall, until the contrary is shown, be deemed to be a true copy of or extract from the entry and shall be evidence of the terms of the entry.</p> <p>(3) Evidence of an entry in a register kept under this section may be given by production of a copy of the entry certified by an tArd-Chláraitheoir, an officer duly authorised to act in that behalf or a registrar and it shall not be necessary to produce the register itself.</p> <p>(4) References in this section to a copy of an entry in a register kept under this section shall be read as including references to a legible copy or reproduction of the entry.</p> <p>Reproduction of certified copies sent to An tArd-Chláraitheoir under section 48 of this Act.</p> <p>30B.—(1) An tArd-Chláraitheoir may cause the certified copies of the entries made in the registers of births and deaths, received under section 48 of this Act, before the coming into operation of <i>Item 5 of Part 4 of the Schedule to the Social Welfare (Miscellaneous Provisions) Act, 2002</i>, to be reproduced in a non-legible form.</p> <p>(2) Where a certified copy referred to in subsection (1) of this section becomes illegible, by reason of the deterioration of the certified copy or for any other reason, an tArd-Chláraitheoir shall cause the certified copy to be reproduced in a non-legible form.</p>

SCH.

Item	Provision affected or inserted	Amendment
		<p>(3) An tArd-Chláraitheoir shall make the certified copies reproduced under subsection (1) or (2) of this section available to registrars and superintendent registrars.</p> <p>(4) In this section “reproduced in a non-legible form” includes reproduction of the certified copies of the entries in the registers by means of microfilm, microfiche, magnetic tape, diskette, compact disc or any other non-legible form (by electronic means or otherwise) which is capable of reproducing the certified copies in a permanent legible form.</p> <p>Evidence in court proceedings, etc.</p> <p>30C.—(1) A certified copy of an entry in a register reproduced in accordance with section 30B of this Act shall be deemed to be an entry in a register under this Act.</p> <p>(2) In any proceedings a certificate signed by an tArd-Chláraitheoir, an officer duly authorised to act in that behalf or a registrar, stating that a certified copy of an entry in a register has been reproduced in accordance with section 30B of this Act shall be evidence of the fact of the making of the entry in the register under this Act and that the certified copy so reproduced attached to the certificate is a true copy of the entry in the register until the contrary is shown.</p> <p>(3) A document purporting to be a certificate under subsection (2) of this section shall be deemed to be such a certificate without proof of the signature of the person purporting to sign the certificate or that such person was a proper person to so sign, until the contrary is shown.</p> <p>(4) In any proceedings a certified copy of an entry reproduced in accordance with section 30B of this Act may be given in evidence and shall be prima facie evidence of any fact therein stated:</p> <p>Provided that the court is satisfied as to the reliability of the system used to reproduce the certified copy and the entry in the register book on which it was based.”.</p>
5	Sections 47 and 48	Repeal sections 47 and 48.
6	Section 50	<p>Substitute the following for all of the words beginning with “and every person” to the end of that provision: “and a person shall be entitled—</p> <p>(a) to search those indexes in the form and manner, at the times and on payment of the fee or fees prescribed by the Minister for Health and Children in regulations made under section 4 (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Vital Statistics and Births, Deaths and Marriages Registration Act, 1952, and</p> <p>(b) to obtain a certified copy of an entry or entries in those registers (other than the information specified in paragraphs 2(c), (h) and (l) of the Schedule (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) to the Registration of Births Act, 1996, or in paragraph 2(e) of the Fourth Schedule (inserted by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) to the Births and Deaths Registration Act (Ireland), 1880) on payment of a fee of €5.08 in respect of each certified copy.”.</p>

[2002.]

Social Welfare (Miscellaneous Provisions) Act, 2002.

[No. 8.]

PART 5

SCH.

AMENDMENT OF BIRTHS AND DEATHS REGISTRATION ACT (IRELAND), 1880

Item	Provision affected or inserted	Amendment
1	Section 6 (as amended by the Registration of Births Act, 1996)	Substitute “in the entry” for “in the informant’s column of the entry”.
2	Section 8 (as amended by the Vital Statistics and Births, Deaths and Marriages Registration Act, 1952)	Substitute “amend the register as directed by an tArd-Chláraitheoir to include the name mentioned in the certificate” for “forthwith enter in the proper column of the entry in the register book the name mentioned in the certificate”.
3	Section 21 (as amended by the Vital Statistics and Births, Deaths and Marriages Registration Act, 1952)	Substitute “fit persons” for “a fit person” and “Assistant Registrars” for “Assistant Registrar”.
4	Section 25	Substitute the following for all of the words beginning with “every person” to the end of that provision: “and on payment of the prescribed fee or fees, a person shall be entitled— (a) to search— (i) the indexes to the register books, and (ii) any other indexes to the registers maintained by an tArd-Chláraitheoir, and (b) to obtain a certified copy of an entry or entries identified in any such register or register book (other than the information specified in paragraphs 2(c), (h) and (l) of the Schedule (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) to the Registration of Births Act, 1996, or in paragraph 2(e) of the Fourth Schedule (inserted by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) to the Births and Deaths Registration Act (Ireland), 1880).”.
5	Section 27	In subsection (3), substitute “in such manner as may be directed by an tArd-Chláraitheoir” for “by entry in the margin”.
6	Section 28 (as amended by the Births, Deaths and Marriages Registration Act, 1972)	(a) Substitute the following for all of the words beginning with “such entry purports” to the end of paragraph (b): “ <i>(a)</i> in a case where it appears that not more than 12 months have so intervened, the fact that a statutory declaration has been made by a properly qualified informant has been noted in the register; <i>(b)</i> in a case where more than 12 months have so intervened, the entry has been made with the authority of an tArd-Chláraitheoir and in accordance with the prescribed rules.”.

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Item	Provision affected or inserted	Amendment
	Section 28 (as amended by the Births, Deaths and Marriages Registration Act, 1972) <i>contd.</i>	(b) Designate section 28 as subsection (1) thereof and insert the following subsection: “(2) Rules made under paragraph (b) of subsection (1) of this section that are in force immediately before the commencement of section 16 and Part 5 of the Schedule to the Social Welfare (Miscellaneous Provisions) Act, 2002, (insofar as those provisions apply to the said paragraph) shall continue in force after such commencement as if those rules were made under that paragraph as inserted by the said section 16 and the said Part 5 and may be amended or revoked accordingly.”.
7	Section 32	Repeal section 32.
8	Section 37 (as amended by the Registration of Births Act, 1996)	Substitute “in the Fourth Schedule (inserted by the Social Welfare (Miscellaneous Provisions) Act, 2002) to this Act” for “in the form in Schedule B, to the Principal Act”.
9	Fourth Schedule	Insert the following after the Third Schedule: “FOURTH SCHEDULE PARTICULARS OF DEATHS TO BE REGISTERED 1. Date and place of death. 2. In respect of the deceased person: (a) forename(s), surname and address; (b) date of birth or age; (c) sex; (d) occupation; (e) personal public service number; (f) marital status; (g) occupation of person’s spouse; (h) occupation of person’s parent(s) or guardian(s); (i) cause of death; (j) forename(s) and surname, signature, address and qualification of informant(s). 3. Date of registration. 4. Signature of Registrar.”.

[2002.]

Social Welfare (Miscellaneous Provisions) Act, 2002.

[No. 8.]

PART 6

SCH.

AMENDMENT OF REGISTRATION OF BIRTHS ACT, 1996

Item	Provision affected or inserted	Amendment
1	Section 1	<p>(a) Substitute the following for subsection (4):</p> <p style="padding-left: 40px;">“(4) (a) Where a birth, the registration of which—</p> <p style="padding-left: 80px;">(i) took place on or after 1 October 1997 and before the coming into operation of <i>section 16</i> and <i>Item 1</i> of <i>Part 6</i> of the <i>Schedule</i> to the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>, or</p> <p style="padding-left: 80px;">(ii) takes place after the coming into operation of <i>section 16</i> and <i>Item 1</i> of <i>Part 6</i> of the <i>Schedule</i> to the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>,</p> <p style="padding-left: 40px;">is being re-registered under any of the enactments mentioned in subsection (2) of this section, the surname of the child shall be—</p> <p style="padding-left: 80px;">(I) that which has been so registered, or</p> <p style="padding-left: 80px;">(II) subject to subsection (3) of this section, the surname jointly agreed by the mother and father of the child.</p> <p>(b) Subject to subsection (4A) of this section, a birth which has been re-registered under any of the enactments specified in subsection (2) of this section may not be further re-registered under the enactment concerned.</p> <p style="padding-left: 40px;">(4A) Where a birth, the registration of which took place on or after 1 October 1997, has been re-registered under any of the enactments mentioned in subsection (2) of this section before the commencement of <i>section 16</i> and <i>Item 1</i> of <i>Part 6</i> of the <i>Schedule</i> to the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>, an tArd-Chláraitheoir may, on the joint application of the mother and father of the child, made in the form for the time being approved by the Minister for that purpose, authorise a second re-registration of the birth under the relevant enactment for the purpose of changing the surname of the child to a surname, subject to subsection (3) of this section, jointly agreed by the mother and father of the child.”.</p> <p>(b) In subsection (6), substitute “father of the child or, where applicable, the surname of the child re-registered in accordance with subsection (4)(a)(II) or (4A) of this section” for “father of the child”.</p>

SCH.

Item	Provision affected or inserted	Amendment
2	Schedule	<p>Substitute the following for the Schedule:</p> <p style="text-align: center;">“SCHEDULE</p> <p style="text-align: center;">PARTICULARS OF BIRTHS TO BE REGISTERED</p> <p>1. (a) Date and place of birth.</p> <p style="padding-left: 2em;">(b) The time of birth, in the case of a multiple birth.</p> <p>2. In respect of the child:</p> <p style="padding-left: 2em;">(a) forename(s) and surname;</p> <p style="padding-left: 2em;">(b) sex;</p> <p style="padding-left: 2em;">(c) personal public service number;</p> <p style="padding-left: 2em;">(d) forename(s) if added after registration of birth and relevant date;</p> <p style="padding-left: 2em;">(e) mother’s forename(s) and surname, address and occupation;</p> <p style="padding-left: 2em;">(f) mother’s surname (as at birth);</p> <p style="padding-left: 2em;">(g) mother’s date of birth;</p> <p style="padding-left: 2em;">(h) mother’s personal public service number;</p> <p style="padding-left: 2em;">(i) father’s forename(s) and surname, address and occupation;</p> <p style="padding-left: 2em;">(j) father’s surname (as at birth);</p> <p style="padding-left: 2em;">(k) father’s date of birth;</p> <p style="padding-left: 2em;">(l) father’s personal public service number;</p> <p style="padding-left: 2em;">(m) forename(s) and surname, signature, address and qualification of informant(s).</p> <p>3. Date of registration.</p> <p>4. Signature of Registrar.”.</p>

PART 7

SCH.

AMENDMENT OF MARRIAGES (IRELAND) ACT, 1844

Item	Provision affected or inserted	Amendment
1	Sections 67A and 67B	<p>Insert the following after section 67:</p> <p>“Reproduction of certified copies sent to An tArd-Chláraitheoir under section 67 of this Act.</p> <p>67A.—(1) An tArd-Chláraitheoir may cause the certified copies of the entries made in the registers of marriages, received under section 67 of this Act, to be reproduced in a non-legible form.</p> <p>(2) Where a certified copy referred to in subsection (1) of this section becomes illegible, by reason of the deterioration of the certified copy or for any other reason, an tArd-Chláraitheoir shall cause the certified copy to be reproduced in a non-legible form.</p> <p>(3) An tArd-Chláraitheoir shall make the certified copies reproduced under subsection (1) or (2) of this section available to registrars and superintendent registrars.</p> <p>(4) In this section ‘reproduced in a non-legible form’ includes reproduction of the certified copies of the entries in the registers by means of microfilm, microfiche, magnetic tape, diskette, compact disc or any other non-legible form (by electronic means or otherwise) which is capable of reproducing the certified copies in a permanent legible form.</p> <p>Evidence in court proceedings, etc.</p> <p>67B.—(1) A certified copy of an entry in a register reproduced in accordance with section 67A of this Act shall be deemed to be an entry in a register under this Act.</p> <p>(2) In any proceedings a certificate signed by an tArd-Chláraitheoir, an officer duly authorised to act in that behalf or a registrar, stating that a certified copy of an entry in a register has been reproduced in accordance with section 67A of this Act shall be evidence of the fact of the making of the entry in the register under this Act and that the certified copy so reproduced attached to the certificate is a true copy of the entry in the register until the contrary is shown.</p> <p>(3) A document purporting to be a certificate under subsection (2) of this section shall be deemed to be such a certificate without proof of the signature of the person purporting to sign the certificate or that such person was a proper person to so sign, until the contrary is shown.</p> <p>(4) In any proceedings a certified copy of an entry reproduced in accordance with section 67A of this Act may be given in evidence and shall be prima facie evidence of any fact therein stated:</p> <p>Provided that the court is satisfied as to the reliability of the system used to reproduce the certified copy and the entry in the register book on which it was based.”.</p>

SCH.

Item	Provision affected or inserted	Amendment
2	Section 68	<p>Substitute the following for all of the words beginning with “shall at all reasonable times” to the end of that provision:</p> <p>“shall allow searches to be made of such a register book in the form and manner, at the times and on payment of the fee or fees prescribed by the Minister for Health and Children in regulations made under section 4 (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Vital Statistics and Births, Deaths and Marriages Registration Act, 1952, and shall give a certified copy of an entry or entries in such a register book on payment of a fee of €5.08 in respect of each certified copy.”.</p>
3	Section 69	<p>Substitute the following for all of the words beginning with “and every person” to the end of that provision:</p> <p>“and a person shall be entitled to search those indexes in the form and manner, at the times and on payment of the fee or fees prescribed by the Minister for Health and Children in regulations made under section 4 (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Vital Statistics and Births, Deaths and Marriages Registration Act, 1952, and to obtain a certified copy of an entry or entries in the certified copies of the entries in those registers reproduced under section 67A (inserted by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of this Act on payment of a fee of €5.08 in respect of each certified copy.”.</p>
4	Section 70	<p>Substitute the following for section 70:</p> <p>“Indexes to be kept in Oifig an tArd-Chláraitheora, searches allowed and certified copies given.</p> <p>70.—An tArd-Chláraitheoir shall cause indexes of all the said certified copies of the registers to be made and kept in Oifig an tArd-Chláraitheora; and a person shall be entitled to search those indexes in the form and manner, at the times and on payment of the fee or fees prescribed by the Minister for Health and Children in regulations made under section 4 (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Vital Statistics and Births, Deaths and Marriages Registration Act, 1952, and to obtain a certified copy of an entry or entries in the certified copies of the entries in those registers reproduced under section 67A (inserted by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of this Act on payment of a fee of €5.08 in respect of each certified copy.”.</p>
5	Section 71	<p>Substitute the following for section 71:</p> <p>“Seal.</p> <p>71.—(1) Oifig an tArd-Chláraitheora shall provide itself with a seal.</p> <p>(2) The seal shall be authenticated by the signature of an tArd-Chláraitheoir or a member of his or her staff duly authorised by an tArd-Chláraitheoir to act in that behalf.</p> <p>(3) Judicial notice shall be taken of the seal and every document purporting to be an instrument made by Oifig an tArd-Chláraitheora and to be sealed with the seal of Oifig an tArd-Chláraitheora (purporting to be authenticated in accordance with subsection (2) of this section) shall be received in evidence and be deemed to be such an instrument without proof unless the contrary is shown.”.</p>

[2002.]

Social Welfare (Miscellaneous Provisions) Act, 2002.

[No. 8.]

PART 8

SCH.

AMENDMENT OF REGISTRATION OF MARRIAGES (IRELAND) ACT, 1863

Item	Provision affected or inserted	Amendment
1	Section 3	Repeal section 3.
2	Section 7	Substitute “for the purposes of this Act, except in the case of those districts in respect of which the Minister considers it expedient that the number and boundaries of those districts be altered for the purposes of this Act” for “for the purposes of this Act”.
3	Sections 15A and 15B	<p>Insert the following after section 15:</p> <p>“Reproduction of certified copies sent to An tArd-Chláraitheoir under section 15 of this Act.</p> <p>15A.—(1) An tArd-Chláraitheoir may cause the certified copies of the entries made in the registers of marriages, received under section 15 of this Act, to be reproduced in a non-legible form.</p> <p>(2) Where a certified copy referred to in subsection (1) of this section becomes illegible, by reason of the deterioration of the certified copy or for any other reason, an tArd-Chláraitheoir shall cause the certified copy to be reproduced in a non-legible form.</p> <p>(3) An tArd-Chláraitheoir shall make the certified copies reproduced under subsection (1) or (2) of this section available to registrars and superintendent registrars.</p> <p>(4) In this section ‘reproduced in a non-legible form’ includes reproduction of the certified copies of the entries in the registers by means of microfilm, microfiche, magnetic tape, diskette, compact disc or any other non-legible form (by electronic means or otherwise) which is capable of reproducing the certified copies in a permanent legible form.</p> <p>Evidence in court proceedings, etc.</p> <p>15B.—(1) A certified copy of an entry in a register reproduced in accordance with section 15A of this Act shall be deemed to be an entry in a register under this Act.</p> <p>(2) In any proceedings a certificate signed by an tArd-Chlaraitheoir, an officer duly authorised to act in that behalf or a registrar, stating that a certified copy of an entry in a register has been reproduced in accordance with section 15A of this Act shall be evidence of the fact of the making of the entry in the register under this Act and that the certified copy so reproduced attached to the certificate is a true copy of the entry in the register until the contrary is shown.</p> <p>(3) A document purporting to be a certificate under subsection (2) of this section shall be deemed to be such a certificate without proof of the signature of the person purporting to sign the certificate or that such person was a proper person to so sign, until the contrary is shown.</p> <p>(4) In any proceedings a certified copy of an entry reproduced in accordance with section 15A of this Act may be given in evidence and shall be prima facie evidence of any fact therein stated: Provided that the court is satisfied as to the reliability of the system used to reproduce the certified copy and the entry in the register book on which it was based.”.</p>

SCH.

Item	Provision affected or inserted	Amendment
4	Section 17	<p>Substitute the following for all of the words beginning with “and every person” to the end of that provision:</p> <p>“and a person shall be entitled to search those indexes in the form and manner, at the times and on payment of the fee or fees prescribed by the Minister for Health and Children in regulations made under section 4 (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Vital Statistics and Births, Deaths and Marriages Registration Act, 1952, and to obtain a certified copy of an entry or entries in the certified copies of the entries in those registers reproduced under section 15A (inserted by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of this Act on payment of a fee of €5.08 in respect of each certified copy.”</p>
5	Section 18	<p>Substitute the following for all of the words beginning with “Every person shall be entitled” to the end of that provision:</p> <p>“A person shall be entitled to search those indexes in the form and manner, at the times and on payment of the fee or fees prescribed by the Minister for Health and Children in regulations made under section 4 (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Vital Statistics and Births, Deaths and Marriages Registration Act, 1952, and to obtain a certified copy of an entry or entries in the certified copies of the entries in those registers reproduced under section 15A (inserted by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of this Act on payment of a fee of €5.08 in respect of each certified copy.”</p>

[2002.]

Social Welfare (Miscellaneous Provisions) Act, 2002.

[No. 8.]

PART 9

SCH.

AMENDMENT OF VITAL STATISTICS AND BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1952

Item	Provision affected or inserted	Amendment
1	Section 4	<p>Substitute the following for section 4:</p> <p>“4.—(1) The enactments to which this subsection applies shall be construed as entitling persons to make the searches referred to in those enactments in such form and manner and at such times and on payment of such fee or fees as the Minister may prescribe in regulations and different fees may be prescribed for different classes of searches.</p> <p>(2) The enactments to which subsection (1) of this section applies are—</p> <p>(a) sections 68, 69 and 70 (each as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Marriages (Ireland) Act, 1844,</p> <p>(b) section 50 (as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Registration of Births and Deaths (Ireland) Act, 1863, and</p> <p>(c) section 17 and 18 (both as amended by the <i>Social Welfare (Miscellaneous Provisions) Act, 2002</i>) of the Registration of Marriages (Ireland) Act, 1863.”</p>
2	Section 9	<p>In subsection (2)(a) substitute “the Births and Deaths Registration Acts, 1863 to 1996,” for “the Births and Deaths Registration Acts, 1863 to 1936,”.</p>

[No. 8.] *Social Welfare (Miscellaneous Provisions) Act, 2002.* [2002.]

SCH.

PART 10

AMENDMENT OF FAMILY LAW (MAINTENANCE OF SPOUSES AND CHILDREN) ACT, 1976

Item	Provision affected or inserted	Amendment
1	Section 4	<p>Substitute the following for section 4:</p> <p>“4.—A periodical payment under an order under this Act shall commence on the date that is specified in the order being a date which may be before or after the date on which the order is made but which shall not be earlier than the date of the application for the order.”.</p>