



Number 42 of 2013

Health (Alteration of Criteria for Eligibility) (No. 2) Act 2013



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00 [No. 42.] *Health (Alteration of Criteria for Eligibility) (No. 2) Act 2013.*

[2013.]

ACTS REFERRED TO

Health Act 1970 (No. 1)

Health Acts 1947 to 2013



Number 42 of 2013

HEALTH (ALTERATION OF CRITERIA FOR ELIGIBILITY) (NO. 2) ACT 2013

An Act to amend the Health Act 1970 and to make provision in relation to eligibility for services under that Act; and to provide for matters connected therewith.

[18th December, 2013]

Be it enacted by the Oireachtas as follows:

Amendment of section 45A of Health Act 1970

1. Section 45A of the Health Act 1970 is amended—

(a) by the substitution of the following for subsection (1A):

“(1A) Where—

(a) a person—

(i) was married to another person until that other person’s death,

(ii) was living with another person as husband and wife until that other person’s death, or

(iii) was a civil partner as respects another person until that other person’s death,

(b) the death of the other person occurred on or after 1 January 2009, and

(c) the surviving person had attained the age of 70 years at the time of the death of that other person,

the gross income limit applicable to the surviving person in the 3 years following the death of that other person shall—

(i) as respects the period commencing on 1 January 2009 and ending on 4 April 2013 be the amount specified in subsection (3)(a)(ii),

(ii) as respects the period commencing on 5 April 2013 and ending on 31 December 2013 be the amount specified in subsection (3)(b)(ii), and

(iii) with effect from 1 January 2014 be the amount specified in subsection 3(c)(ii),

but such gross income limit shall apply only as respects such part of the 3 year period as the surviving person is not married, is not living

together with another person as husband and wife, or does not have a civil partner.”,

and

(b) by the substitution of the following for subsection (3):

“(3) The gross income limits for the purposes of this section and section 45(5A) are the following:

(a) in respect of the period commencing on 1 January 2009 and ending on 4 April 2013—

(i) if a person—

(I) is not married,

(II) is not living together with another person as husband and wife, and

(III) does not have a civil partner,

his or her gross income limit is €700 per week, not including the income from the portion of the person’s savings or similar investments whose capital value does not exceed €36,000, and

(ii) if persons—

(I) are married,

(II) live together as husband and wife, or

(III) are civil partners as respects each other,

their combined gross income limit is €1,400 per week, not including the income from the portion of their savings or similar investments whose capital value does not exceed €72,000,

(b) in respect of the period commencing on 5 April 2013 and ending on 31 December 2013—

(i) if a person—

(I) is not married,

(II) is not living together with another person as husband and wife, and

(III) does not have a civil partner,

his or her gross income limit is €600 per week, not including the income from the portion of the person’s savings or similar investments whose capital value does not exceed €36,000, and

(ii) if persons—

(I) are married,

(II) live together as husband and wife, or

(III) are civil partners as respects each other,

their combined gross income limit is €1,200 per week, not including the income from the portion of their savings or similar investments whose capital value does not exceed €72,000,

and

(c) with effect from 1 January 2014—

(i) if a person—

(I) is not married,

(II) is not living together with another person as husband and wife, and

(III) does not have a civil partner,

his or her gross income limit is €500 per week, not including the income from the portion of the person's savings or similar investments whose capital value does not exceed €36,000, and

(ii) if persons—

(I) are married,

(II) live together as husband and wife, or

(III) are civil partners as respects each other,

their combined gross income limit is €900 per week, not including the income from the portion of their savings or similar investments whose capital value does not exceed €72,000.”.

Amendment of section 48A of Health Act 1970

2. Section 48A of the Health Act 1970 is amended—

(a) by the substitution of the following for subsection (1):

“(1) Where a person is notified by the Health Service Executive that he or she has full eligibility under this Part by reason of section 45(5A) or 45A, he or she shall, if requested to do so by the Health Service Executive at any time after such notification, furnish to the Health Service Executive such information regarding that person's income and assets as the Health Service Executive considers necessary for it to establish if that person has or continues to have full eligibility.”,

and

(b) by the insertion after subsection (3) of the following subsection:

“(4) A person—

- (a) who by reason of section 45(5A) or 45A had, prior to 1 January 2014, been notified by the Health Service Executive that he or she had full eligibility under this Part,
 - (b) who continued to have such full eligibility until 31 December 2013, and
 - (c) who by reason of the amendments to section 45A effected by *section 1* of the *Health (Alteration of Criteria for Eligibility) (No. 2) Act 2013* ceases to have such eligibility,
- shall retain such eligibility until 28 February 2014.”.

Short title and collective citation

3. (1) This Act may be cited as the Health (Alteration of Criteria for Eligibility) (No. 2) Act 2013.
- (2) This Act shall be included in the collective citation “Health Acts 1947 to 2013”.