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Social Welfare Act 2020



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ACTS REFERRED TO

Financial Provisions (Covid-19) (No. 2) Act 2020 (No. 8)
Parent's Leave and Benefit Act 2019 (No. 35)
Social Welfare (Covid-19) (Amendment) Act 2020 (No. 12 of 2020)
Social Welfare (No. 2) Act 2019 (No. 48)
Social Welfare and Pensions Act 2010 (No. 37)
Social Welfare and Pensions Act 2011 (No. 9)
Social Welfare and Pensions Act 2013 (No. 38)
Social Welfare and Pensions Act 2015 (No. 47)
Social Welfare Consolidation Act 2005 (No. 26)



Number 30 of 2020

SOCIAL WELFARE ACT 2020

An Act to amend and extend the Social Welfare Acts; and to provide for related matters.

[22nd December, 2020]

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

“Act of 2013” means the Social Welfare and Pensions Act 2013;

“Act of 2019” means the Social Welfare (No. 2) Act 2019;

“Act of 2020” means the Social Welfare (Covid-19) (Amendment) Act 2020;

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

Employment contributions

2. (1) Section 13(2) (amended by section 3 of the Act of 2019) of the Principal Act, is amended—

(a) in paragraph (d)—

(i) in subparagraph (i), by the substitution of “€398” for “€395”, and

(ii) in subparagraph (ii), by the substitution of “€398” for “€395”,

and

(b) by the deletion of paragraphs (dc), (dd) and (de).

(2) This section comes into operation on 1 January 2021.

Exchange of information in relation to Chapter

3. (1) The Principal Act is amended by the substitution of the following section for section 38F:

“38F. (1) Notwithstanding section 261 or any other enactment in relation to the confidentiality of information relating to employers and insured persons or other persons entitled to benefits or assistance under this Act, information relevant to a relevant subsidy, in so far as it relates to the effective operation of this Chapter, may be exchanged between the Minister and the Revenue Commissioners.

- (2) In this section, ‘relevant subsidy’ means—
- (a) the subsidy referred to in section 38C(1)(f) and commonly known as the Covid-19 employer refund scheme,
 - (b) the temporary wage subsidy, and
 - (c) the employment wage subsidy scheme within the meaning of section 28B of the Act of 2020.”.

- (2) This section shall be deemed to have come into operation on 1 July 2020.

Employment wage subsidy scheme – additional supplemental provisions for purposes of Chapter

4. (1) The Principal Act is amended, in Chapter 6A, by the insertion of the following section after section 38F:

“Section 13: additional supplemental provisions for purposes of Chapter

38G. (1) In any contribution week, where a payment is made to or for the benefit of an employed contributor in respect of reckonable earnings of the employed contributor, an employment contribution shall be payable by the employer of that employed contributor at the rate of 0.5 per cent of the amount of reckonable earnings paid to that employed contributor in that week.

- (2) In this section—

‘employed contributor’ means an employed contributor who is also a qualifying employee within the meaning of section 28B (inserted by section 2(2) of the Financial Provisions (Covid-19) (No. 2) Act 2020) of the Act of 2020;

‘employer’, in relation to an employed contributor, means an employer of the employed contributor who is also an employer within the meaning of section 28B of the Act of 2020.”.

- (2) This section shall be deemed to have come into operation on 1 July 2020.

Illness benefit – reduction in number of waiting days

5. (1) Section 40(2) (amended by section 4(1)(a) of the Act of 2013) of the Principal Act is amended by the substitution of “3” for “6”.
- (2) The amendment to section 40(2) of the Principal Act effected by *subsection (1)* comes into operation on 1 March 2021 as respects a period of incapacity for work, within the meaning of section 40 of the Principal Act, the first day of which occurs on or after 1 March 2021.

Covid-19 pandemic unemployment payment

6. Section 68L (inserted by section 11 of the Act of 2020) of the Principal Act is amended,

in subsection (1), by the insertion of the following paragraph after paragraph (b):

“(ba) in relation to a person in respect of whom paragraph (b)(ii) applies, the person’s earnings from self-employment, calculated in accordance with regulations under section 68P, does not exceed €960 in relation to an eight week period,”.

Regulations for purposes of Chapter 12B

7. Section 68P (inserted by section 11 of the Act of 2020) of the Principal Act is amended, in subsection (1)—

(a) in paragraph (d), by the deletion of “and”, and

(b) by the insertion of the following paragraph after paragraph (d):

“(da) the manner in which the earnings, from self-employment, of a person in respect of whom section 68L(1)(b)(ii) applies shall be calculated, and”.

Injury benefit – reduction in number of waiting days

8. (1) Section 74(2) (amended by section 7(1)(a) of the Act of 2013) of the Principal Act is amended by the substitution of “3” for “6”.

(2) The amendment to section 74(2) of the Principal Act effected by *subsection (1)* comes into operation on 1 March 2021 as respects a period, the first day of which occurs on or after 1 March 2021, during which as a result of an injury referred to in subsection (1) of section 74 a person is incapable of work.

Increase in widowed or surviving civil partner grant

9. (1) Section 137(1) (amended by section 18 of the Social Welfare and Pensions Act 2010) of the Principal Act is amended by the substitution of “€8,000” for “€6,000”.

(2) The amendment effected to section 137(1) of the Principal Act by *subsection (1)* comes into operation on 1 January 2021 and has effect in respect of persons whose entitlement to a widowed or surviving civil partner grant arises on or after that date.

(3) Section 137(1) of the Principal Act shall, in relation to a person whose entitlement to a widowed or surviving civil partner grant arises before 1 January 2021, continue to apply as if the amendment effected by *subsection (1)* had not been made.

Removal of one-parent family payment earnings limit

10. (1) The Principal Act is amended—

(a) in section 4, in subsection (4)(a), by the deletion of “173(4),” and

(b) in section 173, by the repeal of subsections (3), (4), (5), (5A), (5B) and (5C).

(2) This section comes into operation on 8 April 2021.

Carer's support grant – new rate

11. (1) Section 225 (amended by section 6 of the Social Welfare and Pensions Act 2015) of the Principal Act is amended, in subsection (1), by the substitution of “€1,850” for “€1,700”.
- (2) This section comes into operation on 1 June 2021.

Working family payment – new weekly rates in certain circumstances

12. (1) Section 228 (amended by section 12 of the Act of 2019) of the Principal Act is amended—
- (a) in paragraph (a), by the substitution of “€541” for “€531”,
 - (b) in paragraph (b), by the substitution of “€642” for “€632”, and
 - (c) in paragraph (c), by the substitution of “€743” for “€733”.
- (2) This section comes into operation on 7 January 2021.

Payments after death

13. (1) Section 248 of the Principal Act is amended—
- (a) in subsection (1), in the definition of “benefit”, by the insertion of the following paragraph after paragraph (ba):
 - “(bb) Covid-19 pandemic unemployment payment,”,and
 - (b) in subsection (2)—
 - (i) by the deletion of paragraphs (ec) and (ed) (inserted by section 15(b)(ii) of the Act of 2019),
 - (ii) by the insertion of the following paragraphs after paragraph (ec) (inserted by section 32 of the Parent's Leave and Benefit Act 2019):
 - “(ed) where a person who is in receipt of working family payment dies, that payment shall continue to be paid, as the case may be, to his or her spouse, civil partner or cohabitant for 6 weeks (or for the remainder of the 52 week period provided for in accordance with section 230, whichever is the lesser) after the date of death of the deceased person,
 - (ee) where a person who is in receipt of back to work family dividend dies, that payment shall continue to be paid, as the case may be, to his or her spouse, civil partner or cohabitant for 6 weeks (or for the remainder of the 104 week period provided for in accordance with section 238C, whichever is the lesser) after the date of death of the deceased person,”

and

(iii) in paragraph (f), by the substitution of “(ed) or (ee)” for “(ec) or (ed)” in each place where it occurs.

(2) *Subsection (1)(a)* comes into operation on 4 January 2021.

Social insurance benefits – new rates of increase for qualified child and living alone allowance

14. (1) Schedule 2 (amended by section 18 of the Act of 2019) to the Principal Act is amended—

- (a) in column (4) of Part 1, by the substitution of “38.00” for “36.00” in each place where it occurs,
- (b) in column (5) of Part 1, by the substitution of “45.00” for “40.00” in each place where it occurs,
- (c) in column (6) of Part 1, by the substitution of “19.00” for “14.00” in each place where it occurs,
- (d) in column (4) of Part 4, by the substitution of “38.00” for “36.00”,
- (e) in column (5) of Part 4, by the substitution of “45.00” for “40.00”, and
- (f) in column (6) of Part 4, by the substitution of “19.00” for “14.00”.

(2) This section comes into operation—

- (a) in so far as it relates to jobseeker’s benefit on 31 December 2020,
- (b) in so far as it relates to—
 - (i) illness benefit,
 - (ii) health and safety benefit, and
 - (iii) injury benefit,on 4 January 2021,
- (c) in so far as it relates to—
 - (i) carer’s benefit,
 - (ii) invalidity pension, and
 - (iii) a payment referred to in paragraph (a) of the definition of “relevant payment” in section 178(1) of the Principal Act,on 7 January 2021, and
- (d) in so far as it relates to—
 - (i) death benefit under Chapter 13 (other than section 84) of the Principal Act,
 - (ii) widow’s (contributory) pension,

- (iii) widower's (contributory) pension,
 - (iv) surviving civil partner's (contributory) pension,
 - (v) State pension (contributory), and
 - (vi) disablement pension,
- on 8 January 2021.

Social insurance benefits and social assistance payments – increase in island allowance

15. (1) The Principal Act is amended—

(a) in Schedule 2—

(i) in column (8) of Part 1, by the substitution of “20.00” for “12.70” in each place where it occurs, and

(ii) in column (7) of Part 4, by the substitution of “20.00” for “12.70”,

and

(b) in Schedule 4, in column (8) of Part 1, by the substitution of “20.00” for “12.70” in each place where it occurs.

(2) This section comes into operation on 4 January 2021.

Social assistance – new rates of increase for qualified child and living alone allowance

16. (1) Part 1 (amended by section 22 of the Act of 2019) of Schedule 4 to the Principal Act is amended—

(a) in column (4), by the substitution of “38.00” for “36.00” in each place where it occurs,

(b) in column (5), by the substitution of “45.00” for “40.00” in each place where it occurs, and

(c) in column (6), by the substitution of “19.00” for “14.00” in each place where it occurs.

(2) This section comes into operation—

(a) in so far as it relates to—

(i) jobseeker's allowance (other than where payable in accordance with section 148A of the Principal Act), and

(ii) farm assist,

on 30 December 2020,

(b) in so far as it relates to supplementary welfare allowance, on 4 January 2021,

(c) in so far as it relates to disability allowance, on 6 January 2021,

- (d) in so far as it relates to—
 - (i) one-parent family payment (other than where payable in respect of a widow, widower or surviving civil partner),
 - (ii) jobseeker’s allowance payable in accordance with section 148A of the Principal Act, and
 - (iii) carer’s allowance,on 7 January 2021, and
- (e) in so far as it relates to—
 - (i) State pension (non-contributory),
 - (ii) blind pension, and
 - (iii) one-parent family payment (payable in respect of a widow, widower or surviving civil partner),on 8 January 2021.

Pensionable age – repeal of section 7 of Social Welfare and Pensions Act 2011

17. Section 7 of the Social Welfare and Pensions Act 2011 is repealed.

Short title and construction

18. (1) This Act may be cited as the Social Welfare Act 2020.

(2) The Social Welfare Acts and this Act shall be construed together as one Act.