



STATUTORY INSTRUMENTS.

S.I. No. 321 of 2012

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 8) (REDUCED RATES)
REGULATIONS 2012

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CONTROL) (AMENDMENT) (NO. 8) (REDUCED RATES)
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I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 3(1)(f), 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)), 109(9), 109(10), 109(15) and 115(6) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) and by sections 109(8), 109(14), 115(5) and 297 of the Social Welfare Consolidation Act 2005, with the consent of the Minister for Public Expenditure and Reform, hereby make the following Regulations:

Citation and construction.

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2012 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2012.

Definitions.

2. In these Regulations—

“Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007);

“Regulations of 2011” means the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011 (S.I. No. 604 of 2011).

Commencement.

3. These Regulations come into operation on 1 September 2012.

Reduced rate increase for qualified adult — State pensions.

4. Article 10 of the Principal Regulations is amended by substituting “Subject to articles 62, 62A, 62B, 65, 65A, 65B, 71 and 71A,” for “Subject to articles 62(3) and 65(2),”.

Partial satisfaction of contribution conditions for State pension (contributory) where person attains pensionable age on or after 1 September 2012.

5. The Principal Regulations are amended by the substitution of the following article for article 62 (amended by article 6 of the Regulations of 2011):

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 21st August, 2012.*

“Partial satisfaction of contribution conditions for State pension (contributory) where person attains pensionable age on or after 1 September 2012.

62. (1) Subject to sub-article (2), where a person attains pensionable age on or after 1 September 2012 and would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall be entitled to pension at a rate determined in accordance with this article.

(2) Sub-article (1) shall apply in the case of a person—

(a) who has a yearly average of not less than 10, and

(b) where he or she has a yearly average of less than 20, he or she has qualifying contributions in respect of not less than 260 contribution weeks since entry into insurance.

(3) In the case of a person to whom sub-article (1) applies, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 8 to these Regulations, the pension shall be payable at the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person.

(4) In the case of a person to whom sub-article (3) applies, any increase payable under section 112(1) shall be payable—

(a) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in column (3) of Schedule 8 opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person, and

(b) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in column (4) of Schedule 8 opposite to the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person.

(6) In the case of a person to whom sub-article (3) applies, any increase payable in accordance with section 297 shall be payable—

(a) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 2 to these Regulations, at the weekly rate set out—

(i) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly

income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 40,

- (ii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30,
- (iii) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 20,
- (iv) in column (6) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and
- (v) in column (7) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10,

and

- (b) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 3 to these Regulations, at the weekly rate set out—
 - (i) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 40,
 - (ii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30,
 - (iii) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 20,
 - (iv) in column (6) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and

- (v) in column (7) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10.”.

Partial satisfaction of contribution conditions for State pension (contributory) where person attains pensionable age before 1 September 2012.

6. The Principal Regulations are amended by inserting the following articles after article 62:

“Partial satisfaction of contribution conditions for State pension (contributory) where person attains pensionable age before 1 September 2012 and is not a person to whom section 109(10) applies.

62A. (1) Subject to sub-article (2), where a person has attained pensionable age before 1 September 2012 and is not a person to whom section 109(10) applies and would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall be entitled to pension at a rate determined in accordance with this article.

(2) Sub-article (1) shall apply in the case of a person—

(a) who has a yearly average of not less than 10, and

(b) where he or she has a yearly average of less than 20, he or she has qualifying contributions in respect of not less than 260 contribution weeks since entry into insurance.

(3) In the case of a person to whom sub-article (1) applies, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 8A to these Regulations, the pension shall be payable at the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person.

(4) In the case of a person to whom sub-article (3) applies, any increase payable under section 112(1) shall be payable—

(a) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in column (3) of Schedule 8A opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person, and

(b) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in column (4) of Schedule 8A opposite to the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person.

(5) In the case of a person to whom sub-article (3) applies, any increase payable in accordance with section 297 shall be payable—

(a) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 2A to these Regulations, at the weekly rate set out—

(i) in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,

(ii) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and

(iii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10,

and

(b) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 3A to these Regulations, at the weekly rate set out—

(i) in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,

(ii) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and

(iii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10.

Partial satisfaction of contribution conditions for State pension (contributory) where section 109(10) applies.

62B. (1) In the case of a person to whom section 109(10) applies and who would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall be entitled to pension, where the person's yearly average is not less than 10, at a rate determined in accordance with this article.

(2) In the case of a person to whom sub-article (1) applies, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 8B to these Regulations, the pension shall be payable at the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person.

(3) In the case of a person to whom sub-article (2) applies, any increase payable under section 112(1) shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in column (3) of Schedule 8B opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person, and
- (b) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in column (4) of Schedule 8B opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person.

(4) In the case of a person to whom sub-article (2) applies, any increase payable in accordance with section 297 shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 9 to these Regulations, at the weekly rate set out—
 - (i) in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20, and
 - (ii) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 10,

and

- (b) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 9 to these Regulations, at the weekly rate set out—
 - (i) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20, and
 - (ii) in column (6) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 10.”.

Special partial State pension (contributory) where person attains pensionable age on or after 1 September 2012.

7. The Principal Regulations are amended by substituting the following article for article 65 (amended by article 7 of the Regulations of 2011):

“Special partial State pension (contributory) where person attains pensionable age on or after 1 September 2012.

65. (1) In the case of a person who—

- (a) became an employed contributor paying employment contributions reckonable for the purposes of entitlement to State pension (contributory) at the time of and as a consequence of the coming into operation of section 12 of the Act of 1973, having earlier ceased to be an employed contributor,
- (b) attains pensionable age on or after 1 September 2012,
- (c) would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, and
- (d) is not entitled to State pension (contributory) under articles 62, 62A, 62B, 65A or 65B,

that person shall, where he or she has a yearly average of not less than 10, be entitled to State pension (contributory) at a rate determined in accordance with this article.

(2) In the case of a person to whom sub-article (1) applies, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 8 to these Regulations, the pension shall be payable at the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average of that person.

(3) In the case of a person to whom sub-article (2) applies, any increase payable under section 112(1) shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in column (3) of Schedule 8 opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person, and
- (b) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in column (4) of Schedule 8 opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person.

(4) In the case of a person to whom sub-article (2) applies, any increase payable in accordance with section 297 shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 2 to these Regulations, at the weekly rate set out—
 - (i) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 40,
 - (ii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30,
 - (iii) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 20,
 - (iv) in column (6) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and
 - (v) in column (7) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10,

and

- (b) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 3 to these Regulations, at the weekly rate set out—
- (i) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 40,
 - (ii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30,
 - (iii) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 20,
 - (iv) in column (6) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and
 - (v) in column (7) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10.”.

Special partial State pension (contributory) where person attains pensionable age before 1 September 2012.

8. The Principal Regulations are amended by inserting the following articles after article 65 (amended by article 7 of the Regulations of 2011):

“Special partial State pension (contributory) where person attains pensionable age before 1 September 2012 and is not a person to whom section 109(10) applies.

65A. (1) In the case of a person who—

- (a) became an employed contributor paying employment contributions reckonable for the purposes of entitlement to State pension (contributory) at the time of and as a consequence of the coming into operation of section 12 of the Act of 1973, having earlier ceased to be an employed contributor,
- (b) attained pensionable age before 1 September 2012 and is not a person to whom section 109(10) applies,

(c) would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, and

(d) is not entitled to State pension (contributory) under articles 62, 62A, 62B, 65 or 65B,

that person shall, where he or she has a yearly average of not less than 5, be entitled to State pension (contributory) at a rate determined in accordance with this article.

(2) In the case of a person to whom sub-article (1) applies, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 8A to these Regulations, the pension shall be payable at the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average of that person.

(3) In the case of a person to whom sub-article (2) applies, any increase payable under section 112(1) shall be payable—

(a) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in column (3) of Schedule 8A opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person, and

(b) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in column (4) of Schedule 8A opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person.

(4) In the case of a person to whom sub-article (2) applies, any increase payable in accordance with section 297 shall be payable—

(a) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 2A to these Regulations, at the weekly rate set out—

(i) in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,

(ii) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly

income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15,

- (iii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10, and
- (iv) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 10, but not less than 5,

and

- (b) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 3A to these Regulations, at the weekly rate set out—
 - (i) in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,
 - (ii) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15,
 - (iii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10, and
 - (iv) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 10, but not less than 5.

Special partial State pension (contributory) where section 109(10) applies.

65B. (1) In the case of a person who—

- (a) became an employed contributor paying employment contributions reckonable for the purposes of entitlement to State pension (contributory) at the time of and as a consequence of the coming into operation of section 12 of the Act of 1973, having earlier ceased to be an employed contributor,

- (b) is a person to whom section 109(10) applies,
- (c) would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, and
- (d) is not entitled to State pension (contributory) under articles 62, 62A, 62B, 65 or 65A,

that person shall, where he or she has a yearly average of not less than 5, be entitled to State pension (contributory) at a rate determined in accordance with this article.

(2) In the case of a person to whom sub-article (1) applies, where the yearly average is a number included in one of the groups of numbers specified in column (1) of Schedule 8B, the pension shall be payable at the weekly rate shown opposite to that group of numbers in column (2) of the said Schedule.

(3) In the case of a person to whom sub-article (2) applies, any increase payable under section 112(1) shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in column (3) of Schedule 8B opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person, and
- (b) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in column (4) of Schedule 8B opposite the relevant band of numbers in column (1) of that Schedule that corresponds to the yearly average for that person.

(4) In the case of a person to whom sub-article (2) applies, any increase payable in accordance with section 297 shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 9 to these Regulations, at the weekly rate set out—
 - (i) in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,
 - (ii) in column (3) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly

income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 10, and

- (iii) in column (4) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 10, but not less than 5,

and

- (b) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 9 to these Regulations, at the weekly rate set out—

- (i) in column (5) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,
- (ii) in column (6) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 10, and
- (iii) in column (7) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 10, but not less than 5.”.

Partial satisfaction of contribution conditions for State pension (transition) where person attains 65 years of age on or after 1 September 2012.

9. The Principal Regulations are amended by substituting the following article for article 71:

“Partial satisfaction of contribution conditions for State pension (transition) where person attains 65 years of age on or after 1 September 2012.

71. (1) Where a person attains the age of 65 years on or after 1 September 2012 and would be entitled to State pension (transition) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall, where the person’s yearly average is not less than 24, be entitled to State pension (transition) at a rate determined in accordance with this article.

(2) In the case of a person to whom sub-article (1) applies, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 10 to these Regulations, the pension shall be payable at the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly

average for that person, but any increase payable under section 117 shall be the same as if the contribution condition set out in section 115(1)(c) had been fully satisfied.

(3) In the case of a person to whom sub-article (2) applies, any increase payable in accordance with section 297 shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 2A to these Regulations, at the weekly rate set out in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 24, and
- (b) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 3A to these Regulations, at the weekly rate set out in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 24.”.

Partial satisfaction of contribution conditions for State pension (transition) where person attains 65 years of age before 1 September 2012.

10. The Principal Regulations are amended by inserting the following article after article 71:

“Partial satisfaction of contribution conditions for State pension (transition) where person attains 65 years of age before 1 September 2012.

71A. (1) Where a person has attained the age of 65 years before 1 September 2012 and would be entitled to State pension (transition) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall, where the person’s yearly average is not less than 24, be entitled to State pension (transition) at a rate determined in accordance with this article.

(2) In the case of a person to whom sub-article (1) applies, where the yearly average is less than 48 but not less than 24, the pension shall be payable at the weekly rate of €225.80, but any increase payable under section 117 shall be the same as if the contribution condition set out in section 115(1)(c) had been fully satisfied.

(3) In the case of a person to whom sub-article (2) applies, any increase payable in accordance with section 297 shall be payable—

- (a) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse,

civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 2A to these Regulations, at the weekly rate set out in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 24, and

- (b) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with article 8, does not exceed the highest amount specified in column (1) of Schedule 3A to these Regulations, at the weekly rate set out in column (2) of that Schedule opposite the relevant band of income in column (1) that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 24.”.

Consequential amendments to Principal Regulations.

11. The Principal Regulations are amended—

- (a) in article 63(b), by substituting “article 62, 62A or 62B” for “article 62”,
- (b) in article 63(c), by substituting “article 65, 65A or 65B” for “article 65”, and
- (c) in article 72(b), by substituting “article 71 or 71A” for “article 71”.

Amendment of Schedules to Principal Regulations.

12. The Principal Regulations are amended—

- (a) by substituting the Schedules set out in Schedule 1 to these Regulations for Schedule 2,
- (b) by substituting the Schedules set out in Schedule 2 to these Regulations for Schedule 3,
- (c) by substituting the Schedules set out in Schedule 3 to these Regulations for Schedule 8,
- (d) by substituting the Schedule set out in Schedule 4 to these Regulations for Schedule 9, and
- (e) by substituting the Schedule set out in Schedule 5 to these Regulations for Schedule 10.

SCHEDULE 1**“SCHEDULE 2***Articles 10, 62 and 65***Rates of tapered increases for Qualified Adult payable with State Pension (Contributory) and State Pension (Transition) where Qualified Adult has attained pensionable age**

Weekly income of Qualified Adult (1)	Where yearly average is not less than 48 (2)	Where yearly average is less than 48, but not less than 40 (3)	Where yearly average is less than 40, but not less than 30 (4)	Where yearly average is less than 30, but not less than 20 (5)	Where yearly average is less than 20, but not less than 15 (6)	Where yearly average is less than 15, but not less than 10 (7)
Less than or equal to €100.00	€ 206.30	€ 196.00	€ 186.00	€ 175.00	€ 134.00	€ 83.00
Exceed €100.01 but do not exceed €110.00	196.90	187.00	177.40	166.90	127.80	79.20
Exceed €110.01 but do not exceed €120.00	187.50	178.00	168.80	158.80	121.60	75.40
Exceed €120.01 but do not exceed €130.00	178.10	169.00	160.20	150.70	115.40	71.60
Exceed €130.01 but do not exceed €140.00	168.70	160.00	151.60	142.60	109.20	67.80
Exceed €140.01 but do not exceed €150.00	159.30	151.00	143.00	134.50	103.00	64.00
Exceed €150.01 but do not exceed €160.00	149.90	142.00	134.40	126.40	96.80	60.20
Exceed €160.01 but do not exceed €170.00	140.50	133.00	125.80	118.30	90.60	56.40
Exceed €170.01 but do not exceed €180.00	131.10	124.00	117.20	110.20	84.40	52.60
Exceed €180.01 but do not exceed €190.00	121.70	115.00	108.60	102.10	78.20	48.80
Exceed €190.01 but do not exceed €200.00	112.30	106.00	100.00	94.00	72.00	45.00
Exceed €200.01 but do not exceed €210.00	102.90	97.00	91.40	85.90	65.80	41.20
Exceed €210.01 but do not exceed €220.00	93.50	88.00	82.80	77.80	59.60	37.40
Exceed €220.01 but do not exceed €230.00	84.10	79.00	74.20	69.70	53.40	33.60
Exceed €230.01 but do not exceed €240.00	74.70	70.00	65.60	61.60	47.20	29.80
Exceed €240.01 but do not exceed €250.00	65.30	61.00	57.00	53.50	41.00	26.00

Weekly income of Qualified Adult (1)	Where yearly average is not less than 48 (2)	Where yearly average is less than 48, but not less than 40 (3)	Where yearly average is less than 40, but not less than 30 (4)	Where yearly average is less than 30, but not less than 20 (5)	Where yearly average is less than 20, but not less than 15 (6)	Where yearly average is less than 15, but not less than 10 (7)
Exceed €250.01 but do not exceed €260.00	€ 55.90	€ 52.00	€ 48.40	€ 45.40	€ 34.80	€ 22.20
Exceed €260.01 but do not exceed €270.00	46.50	43.00	39.80	37.30	28.60	18.40
Exceed €270.01 but do not exceed €280.00	37.10	34.00	31.20	29.20	22.40	14.60
Exceed €280.01 but do not exceed €290.00	27.70	25.00	22.60	21.10	16.20	10.80
Exceed €290.01 but do not exceed €300.00	18.30	16.00	14.00	13.00	10.00	7.00
Exceed €300.01 but do not exceed €310.00	8.90	7.00	5.40	4.90	3.80	3.20

”.

SCHEDULE 2A

Articles 62A, 65A, 71 and 71A

Rates of tapered increases for Qualified Adult payable with State Pension (Contributory) in accordance with articles 62A(5)(a) and 65A(4)(a) and State Pension (Transition) in accordance with articles 71(3)(a) and 71A(3)(a)

Weekly income of Qualified Adult (1)	Where yearly average is less than 48, but not less than 20 (2)	Where yearly average is less than 20, but not less than 15 (3)	Where yearly average is less than 15, but not less than 10 (4)	Where yearly average is less than 10, but not less than 5 (5)
	€	€	€	€
Less than or equal to €100.00	206.30	154.70	103.20	51.60
Exceed €100.01 but do not exceed €110.00	196.90	147.60	98.50	49.30
Exceed €110.01 but do not exceed €120.00	187.50	140.50	93.80	47.00
Exceed €120.01 but do not exceed €130.00	178.10	133.40	89.10	44.70
Exceed €130.01 but do not exceed €140.00	168.70	126.30	84.40	42.40
Exceed €140.01 but do not exceed €150.00	159.30	119.20	79.70	40.10
Exceed €150.01 but do not exceed €160.00	149.90	112.10	75.00	37.80
Exceed €160.01 but do not exceed €170.00	140.50	105.00	70.30	35.50
Exceed €170.01 but do not exceed €180.00	131.10	97.90	65.60	33.20
Exceed €180.01 but do not exceed €190.00	121.70	90.80	60.90	30.90
Exceed €190.01 but do not exceed €200.00	112.30	83.70	56.20	28.60
Exceed €200.01 but do not exceed €210.00	102.90	76.60	51.50	26.30
Exceed €210.01 but do not exceed €220.00	93.50	69.50	46.80	24.00
Exceed €220.01 but do not exceed €230.00	84.10	62.40	42.10	21.70
Exceed €230.01 but do not exceed €240.00	74.70	55.30	37.40	19.40
Exceed €240.01 but do not exceed €250.00	65.30	48.20	32.70	17.10
Exceed €250.01 but do not exceed €260.00	55.90	41.10	28.00	14.80
Exceed €260.01 but do not exceed €270.00	46.50	34.00	23.30	12.50
Exceed €270.01 but do not exceed €280.00	37.10	26.90	18.60	10.20

Weekly income of Qualified Adult (1)	Where yearly average is less than 48, but not less than 20 (2)	Where yearly average is less than 20, but not less than 15 (3)	Where yearly average is less than 15, but not less than 10 (4)	Where yearly average is less than 10, but not less than 5 (5)
Exceed €280.01 but do not exceed €290.00	€ 27.70	€ 19.80	€ 13.90	€ 7.90
Exceed €290.01 but do not exceed €300.00	18.30	12.70	9.20	5.60
Exceed €300.01 but do not exceed €310.00	8.90	5.60	4.50	3.30

”.

SCHEDULE 2

“SCHEDULE 3

Articles 10, 62 and 65

Rates of tapered increases for Qualified Adult payable with State Pension (Contributory) and State Pension (Transition) where Qualified Adult has not attained pensionable age

Weekly income of Qualified Adult (1)	Where yearly average is not less than 48 (2)	Where yearly average is less than 48, but not less than 40 (3)	Where yearly average is less than 40, but not less than 30 (4)	Where yearly average is less than 30, but not less than 20 (5)	Where yearly average is less than 20, but not less than 15 (6)	Where yearly average is less than 15, but not less than 10 (7)
Less than or equal to €100.00	€ 153.50	€ 146.00	€ 139.00	€ 130.00	€ 100.00	€ 61.00
Exceed €100.01 but do not exceed €110.00	146.50	139.30	132.60	124.00	95.40	58.20
Exceed €110.01 but do not exceed €120.00	139.50	132.60	126.20	118.00	90.80	55.40
Exceed €120.01 but do not exceed €130.00	132.50	125.90	119.80	112.00	86.20	52.60
Exceed €130.01 but do not exceed €140.00	125.50	119.20	113.40	106.00	81.60	49.80
Exceed €140.01 but do not exceed €150.00	118.50	112.50	107.00	100.00	77.00	47.00
Exceed €150.01 but do not exceed €160.00	111.50	105.80	100.60	94.00	72.40	44.20
Exceed €160.01 but do not exceed €170.00	104.50	99.10	94.20	88.00	67.80	41.40
Exceed €170.01 but do not exceed €180.00	97.50	92.40	87.80	82.00	63.20	38.60
Exceed €180.01 but do not exceed €190.00	90.50	85.70	81.40	76.00	58.60	35.80
Exceed €190.01 but do not exceed €200.00	83.50	79.00	75.00	70.00	54.00	33.00
Exceed €200.01 but do not exceed €210.00	76.50	72.30	68.60	64.00	49.40	30.20
Exceed €210.01 but do not exceed €220.00	69.50	65.60	62.20	58.00	44.80	27.40
Exceed €220.01 but do not exceed €230.00	62.50	58.90	55.80	52.00	40.20	24.60
Exceed €230.01 but do not exceed €240.00	55.50	52.20	49.40	46.00	35.60	21.80
Exceed €240.01 but do not exceed €250.00	48.50	45.50	43.00	40.00	31.00	19.00

Weekly income of Qualified Adult (1)	Where yearly average is not less than 48 (2)	Where yearly average is less than 48, but not less than 40 (3)	Where yearly average is less than 40, but not less than 30 (4)	Where yearly average is less than 30, but not less than 20 (5)	Where yearly average is less than 20, but not less than 15 (6)	Where yearly average is less than 15, but not less than 10 (7)
Exceed €250.01 but do not exceed €260.00	€ 41.50	€ 38.80	€ 36.60	€ 34.00	€ 26.40	€ 16.20
Exceed €260.01 but do not exceed €270.00	34.50	32.10	30.20	28.00	21.80	13.40
Exceed €270.01 but do not exceed €280.00	27.50	25.40	23.80	22.00	17.20	10.60
Exceed €280.01 but do not exceed €290.00	20.50	18.70	17.40	16.00	12.60	7.80
Exceed €290.01 but do not exceed €300.00	13.50	12.00	11.00	10.00	8.00	5.00
Exceed €300.01 but do not exceed €310.00	6.50	5.30	4.60	4.00	3.40	2.20

SCHEDULE 3A

Articles 62A, 65A, 71 and 71A

Rates of tapered increases for Qualified Adult payable with State Pension (Contributory) in accordance with articles 62A(5)(b) and 65A(4)(b) and State Pension (Transition) in accordance with articles 71(3)(b) and 71A(3)(b)

Weekly income of Qualified Adult (1)	Where yearly average is less than 48, but not less than 20 (2)	Where yearly average is less than 20, but not less than 15 (3)	Where yearly average is less than 15, but not less than 10 (4)	Where yearly average is less than 10, but not less than 5 (5)
Less than or equal to €100.00	€ 153.50	€ 115.10	€ 76.80	€ 38.40
Exceed €100.01 but do not exceed €110.00	146.50	109.80	73.30	36.70
Exceed €110.01 but do not exceed €120.00	139.50	104.50	69.80	35.00
Exceed €120.01 but do not exceed €130.00	132.50	99.20	66.30	33.30
Exceed €130.01 but do not exceed €140.00	125.50	93.90	62.80	31.60
Exceed €140.01 but do not exceed €150.00	118.50	88.60	59.30	29.90
Exceed €150.01 but do not exceed €160.00	111.50	83.30	55.80	28.20
Exceed €160.01 but do not exceed €170.00	104.50	78.00	52.30	26.50
Exceed €170.01 but do not exceed €180.00	97.50	72.70	48.80	24.80
Exceed €180.01 but do not exceed €190.00	90.50	67.40	45.30	23.10
Exceed €190.01 but do not exceed €200.00	83.50	62.10	41.80	21.40
Exceed €200.01 but do not exceed €210.00	76.50	56.80	38.30	19.70
Exceed €210.01 but do not exceed €220.00	69.50	51.50	34.80	18.00
Exceed €220.01 but do not exceed €230.00	62.50	46.20	31.30	16.30
Exceed €230.01 but do not exceed €240.00	55.50	40.90	27.80	14.60
Exceed €240.01 but do not exceed €250.00	48.50	35.60	24.30	12.90
Exceed €250.01 but do not exceed €260.00	41.50	30.30	20.80	11.20
Exceed €260.01 but do not exceed €270.00	34.50	25.00	17.30	9.50

Weekly income of Qualified Adult (1)	Where yearly average is less than 48, but not less than 20 (2)	Where yearly average is less than 20, but not less than 15 (3)	Where yearly average is less than 15, but not less than 10 (4)	Where yearly average is less than 10, but not less than 5 (5)
Exceed €270.01 but do not exceed €280.00	€ 27.50	€ 19.70	€ 13.80	€ 7.80
Exceed €280.01 but do not exceed €290.00	20.50	14.40	10.30	6.10
Exceed €290.01 but do not exceed €300.00	13.50	9.10	6.80	4.40
Exceed €300.01 but do not exceed €310.00	6.50	3.80	3.30	2.70

”.

SCHEDULE 3**“SCHEDULE 8***Article 62 and 65***Reduced rates of State Pension (Contributory) and increases for Qualified Adult where contribution conditions are partially satisfied and where person attains pensionable age on or after 1 September 2012**

Yearly Average (1)	Weekly Rate (2)	Increase for Qualified Adult who has not attained pensionable age (3)	Increase for Qualified Adult who has attained pensionable age (4)
Less than 48, but not less than 40	€ 225.80	€ 146.00	€ 196.00
Less than 40, but not less than 30	207.00	139.00	186.00
Less than 30, but not less than 20	196.00	130.00	175.00
Less than 20, but not less than 15	150.00	100.00	134.00
Less than 15, but not less than 10	92.00	61.00	83.00

SCHEDULE 8A*Articles 62A and 65A***Reduced rates of State Pension (Contributory) and increases for Qualified Adult where contribution conditions are partially satisfied and where person attained pensionable age before 1 September 2012 and is not a person to whom section 109(10) applies.**

Yearly Average (1)	Weekly Rate (2)	Increase for Qualified Adult who has not attained pensionable age (3)	Increase for Qualified Adult who has attained pensionable age (4)
Less than 48, but not less than 20	€ 225.80	€ 153.50	€ 206.30
Less than 20, but not less than 15	172.70	115.10	154.70
Less than 15, but not less than 10	115.20	76.80	103.20
Less than 10, but not less than 5	57.60	38.40	51.60

SCHEDULE 8B*Articles 62B and 65B***Reduced rates of State Pension (Contributory) and increases for Qualified Adult where section 109(10) applies**

Yearly Average (1)	Weekly Rate (2)	Increase for Qualified Adult who has not attained pensionable age (3)	Increase for Qualified Adult who has attained pensionable age (4)
Less than 48, but not less than 20	€ 225.80	€ 153.50	€ 206.30
Less than 20, but not less than 15	172.70	123.00	154.70
Less than 15, but not less than 10	115.20	123.00	154.70
Less than 10, but not less than 5	57.60	123.00	154.70

”.

SCHEDULE 4

“SCHEDULE 9

Articles 62B and 65B

**Rates of tapered increases for a Qualified Adult payable with State Pension
(Contributory) where section 109(10) applies**

Weekly income of Qualified Adult	Increase for Qualified Adult who has not attained pensionable age			Increase for Qualified Adult who has attained pensionable age		
	Where yearly average is less than 48, but not less than 20	Where yearly average is less than 20, but not less than 10	Where yearly average is less than 10, but not less than 5	Where yearly average is less than 48, but not less than 20	Where yearly average is less than 20, but not less than 10	Where yearly average is less than 10, but not less than 5
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	€	€	€	€	€	€
Less than or equal to €100.00	153.50	123.00	123.00	206.30	154.70	154.70
Exceed €100.01 but do not exceed €110.00	146.50	117.20	117.20	196.90	147.60	147.60
Exceed €110.01 but do not exceed €120.00	139.50	111.40	111.40	187.50	140.50	140.50
Exceed €120.01 but do not exceed €130.00	132.50	105.60	105.60	178.10	133.40	133.40
Exceed €130.01 but do not exceed €140.00	125.50	99.80	99.80	168.70	126.30	126.30
Exceed €140.01 but do not exceed €150.00	118.50	94.00	94.00	159.30	119.20	119.20
Exceed €150.01 but do not exceed €160.00	111.50	88.20	88.20	149.90	112.10	112.10
Exceed €160.01 but do not exceed €170.00	104.50	82.40	82.40	140.50	105.00	105.00
Exceed €170.01 but do not exceed €180.00	97.50	76.60	76.60	131.10	97.90	97.90
Exceed €180.01 but do not exceed €190.00	90.50	70.80	70.80	121.70	90.80	90.80
Exceed €190.01 but do not exceed €200.00	83.50	65.00	65.00	112.30	83.70	83.70
Exceed €200.01 but do not exceed €210.00	76.50	59.20	59.20	102.90	76.60	76.60
Exceed €210.01 but do not exceed €220.00	69.50	53.40	53.40	93.50	69.50	69.50
Exceed €220.01 but do not exceed €230.00	62.50	47.60	47.60	84.10	62.40	62.40
Exceed €230.01 but do not exceed €240.00	55.50	41.80	41.80	74.70	55.30	55.30

Weekly income of Qualified Adult	Increase for Qualified Adult who has not attained pensionable age			Increase for Qualified Adult who has attained pensionable age		
	Where yearly average is less than 48, but not less than 20	Where yearly average is less than 20, but not less than 10	Where yearly average is less than 10, but not less than 5	Where yearly average is less than 48, but not less than 20	Where yearly average is less than 20, but not less than 10	Where yearly average is less than 10, but not less than 5
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Exceed €240.01 but do not exceed €250.00	€ 48.50	€ 36.00	€ 36.00	€ 65.30	€ 48.20	€ 48.20
Exceed €250.01 but do not exceed €260.00	41.50	30.20	30.20	55.90	41.10	41.10
Exceed €260.01 but do not exceed €270.00	34.50	24.40	24.40	46.50	34.00	34.00
Exceed €270.01 but do not exceed €280.00	27.50	18.60	18.60	37.10	26.90	26.90
Exceed €280.01 but do not exceed €290.00	20.50	12.80	12.80	27.70	19.80	19.80
Exceed €290.01 but do not exceed €300.00	13.50	7.00	7.00	18.30	12.70	12.70
Exceed €300.01 but do not exceed €310.00	6.50	1.20	1.20	8.90	5.60	5.60

”.

SCHEDULE 5**“SCHEDULE 10***Article 71*

Reduced rates of State Pension (Transition) where contribution conditions are partially satisfied and where person attains 65 years of age on or after 1 September 2012

Yearly Average	Weekly Rate
(1)	(2)
Less than 48, but not less than 40	€ 225.80
Less than 40, but not less than 30	207.00
Less than 30, but not less than 24	196.00

”.

The Minister for Public Expenditure and Reform consents to the foregoing Regulations.



GIVEN under my Official Seal,
16 August 2012.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
16 August 2012.

JOAN BURTON,
Minister for Social Protection.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

One of the contribution conditions to be satisfied in order to qualify for State pension (contributory) or State pension (transition) is that the claimant must have a yearly average of at least 48 contributions over his or her working life. Where this condition is satisfied the maximum rate of pension is paid. Where a claimant has a yearly average of less than 48, State pension (contributory) and State pension (transition) can be paid in certain circumstances. But in this case the pension is paid at a reduced rate.

At present there are 4 reduced rates of State pension (contributory) which are related to the claimant's yearly average as follows — 5 to 9, 10 to 14, 15 to 19 and 20 to 47. In the case of State pension (transition) there is one reduced rate of pension that applies where a claimant has a yearly average between 24 and 47. In addition, the rates of increase for qualified adults are also reduced where the claimant has a yearly average of less than 20.

These Regulations provide for a number of changes to the reduced rates of State pension (contributory) payable to claimants who attain 66 years of age on or after 1 September 2012 and in the reduced rates of State pension (transition) payable to claimants who attain 65 years of age on or after 1 September 2012. Existing pensioners and claimants who attain 65 or 66 years, as appropriate, before 1 September 2012 will not be affected by these changes.

In the case of State pension (contributory), the following changes are being made—

- reduced rate pensions will be limited to those with a yearly average of at least 10,
- the current reduced rate, which applies to those with a yearly average of between 20 and 47, is being replaced by 3 reduced rates which will be related to the claimant's yearly average as follows — 20 to 29, 30 to 39 and 40 to 47,
- the new reduced rates of pension will be paid in proportion to the claimant's yearly average of contributions, i.e. the more contributions people pay throughout their working lives, the higher the State pension (contributory) that will be paid, and
- the rates of increase for qualified adults will be reduced in all cases where the claimant's yearly average is less than 48.

In the case of State pension (transition), reduced rate pensions will continue to be paid to those who have a yearly average of at least 24. But the current reduced rate, which applies to those with a yearly average of between 24 and 47, is being replaced by 3 reduced rates which will be related to the claimant's yearly average as follows — 24 to 29, 30 to 39 and 40 to 47. The new reduced

rates of State pension (transition) will be paid in proportion to the claimant's yearly average of contributions.

BAILE ÁTHA CLIATH
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