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Explanatory Memorandum](#)

**AN BILLE LEASA SHÓISIALAIGH (FORÁLACHA
ILGHNÉITHEACHA) 2008**
SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) BILL
2008

Mar a tionscnaíodh
As initiated

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AN BILLE LEASA SHÓISIALAIGH (FORÁLACHA
ILGHNÉITHEACHA) 2008
SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) BILL
2008

BILL

entitled

AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE
ACTS, THE PENSIONS ACT 1990 AND THE COMHAIRLE
ACT 2000, TO AMEND AND EXTEND THE FUNCTIONS
OF THE CITIZENS INFORMATION BOARD, TO AMEND
THE CIVIL REGISTRATION ACT 2004 AND TO
PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Social Welfare (Miscellaneous Provisions) Act 2008.

Short title,
construction,
collective citations
and
commencement.

(2) The Social Welfare Acts and *Parts 1* and *2* shall be read together as one.

(3) The Civil Registration Acts 2004 and 2005 and *section 24* may be cited together as the Civil Registration Acts 2004 to 2008.

(4) The Pensions Acts 1990 to 2008 and *section 23* may be cited together as the Pensions Acts 1990 to 2008.

(5) The Citizens Information Acts 2000 and 2007 and *Part 4* may be cited together as the Citizens Information Acts 2000 to 2008.

(6) *Sections 8, 22, 23* and *25 to 28* 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 or different provisions.

2.—In this Act—

“Act of 2006” means the Social Welfare Law Reform and Pensions Act 2006;

“Act of 2007” means the Social Welfare Act 2007;

“Act of 2008” means the Social Welfare and Pensions Act 2008; 5

“Minister” means the Minister for Social and Family Affairs;

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

PART 2

AMENDMENTS TO SOCIAL WELFARE ACTS

Social insurance
benefits (new
rates).

3.—(1) Schedule 2 to the Principal Act (as amended by section 10
2(1) of the Act of 2007) is amended by substituting the Parts set out
in *Schedule 1* for Parts 1 to 4 of the said Schedule 2.

(2) This section comes into operation—

(a) in so far as it relates to jobseeker’s benefit, on 25
December 2008, 15

(b) in so far as it relates to illness benefit, health and safety
benefit, injury benefit and disablement gratuity, on 29
December 2008,

(c) in so far as it relates to carer’s benefit, State pension
(transition), invalidity pension and a payment referred to 20
in paragraph (a) of the definition of “relevant payment”
in section 178 of the Principal Act, on 1 January 2009, and

(d) in so far as it relates to disablement pension, death benefit
under section 81, 82 or 83 of the Principal Act, State pen- 25
sion (contributory), widow’s (contributory) pension, wid-
ower’s (contributory) pension and guardian’s payment
(contributory), on 2 January 2009.

Social assistance
payments (new
rates).

4.—(1) Schedule 4 to the Principal Act (as amended by section 30
3(1) of the Act of 2007) is amended by substituting the Parts set out
in *Schedule 2* for Parts 1 to 3 of the said Schedule 4.

(2) This section comes into operation—

(a) in so far as it relates to jobseeker’s allowance, pre-retire-
ment allowance and farm assist, on 24 December 2008,

(b) in so far as it relates to supplementary welfare allowance,
on 29 December 2008, 35

(c) in so far as it relates to disability allowance, on 31
December 2008,

(d) in so far as it relates to one-parent family payment (other
than where payable in respect of a widow or widower),
carer’s allowance and a payment referred to in paragraph 40

(b) or (c) of the definition of “relevant payment” in section 178 of the Principal Act, on 1 January 2009, and

(e) in so far as it relates to State pension (non-contributory), blind pension, widow’s (non-contributory) pension, widower’s (non-contributory) pension, one-parent family payment payable in respect of a widow or widower and guardian’s payment (non-contributory), on 2 January 2009.

5
10 5.—(1) The following section is substituted for section 228 (as amended by section 4(1) of the Act of 2007) of the Principal Act: Family income supplement (new weekly rates).

“228.—Subject to this Act, an allowance (in this Act referred to as ‘family income supplement’) shall be payable out of moneys provided by the Oireachtas in respect of a family where the weekly family income is less than—

- 15 (a) in the case of a family which includes only 1 child, €500,
- (b) in the case of a family which includes 2 children, €590,
- (c) in the case of a family which includes 3 children, €685,
- (d) in the case of a family which includes 4 children, €800,
- 20 (e) in the case of a family which includes 5 children, €920,
- (f) in the case of a family which includes 6 children, €1,030,
- (g) in the case of a family which includes 7 children, €1,160, or
- 25 (h) in the case of a family which includes 8 or more children, €1,250.”.

(2) This section comes into operation on 1 January 2009.

30 6.—(1) Section 13(2) (as amended by section 5(1) of the Act of 2007) of the Principal Act is amended in paragraph (c) by substituting “€52,000” for “€50,700”. Employment contributions (amendment to earnings limits and ceiling).

(2) This section comes into operation on 1 January 2009.

7.—(1) Section 29(1)(b) (as amended by section 6(1) of the Act of 2007) of the Principal Act is amended by substituting “€52,000” for “€50,700”. Optional contributions (amendment to income ceiling).

35 (2) This section comes into operation on 1 January 2009.

8.—Section 2(1) (as amended by section 5 of the Act of 2006) of the Principal Act is amended by substituting the following paragraph for paragraph (a) of the definition of “reckonable income”: Reckonable income — amendment to definition.

40 “(a) sections 140, 195, 216C, 231, 232 and 233 of the Act of 1997, or”.

9.—The Principal Act is amended—

(a) in section 2(1), by inserting the following definition:

“ ‘children detention school’ means a children detention school within the meaning of the Children Act 2001;”,

(b) in section 2(3), by substituting “children detention school” for “reformatory or an industrial school”, and 5

(c) in section 134(3), in paragraph (a)(ii) of the definition of “relevant insured person” by substituting “children detention school” for “reformatory or an industrial school”. 10

10.—The Principal Act is amended—

(a) in section 99(2)(b),

(b) in section 179(4)(c),

(c) in section 224(2)(b), and

(d) in section 244(1)(b)(i)(II), 15

by substituting “registered medical practitioner” for “medical practitioner”.

11.—Section 137(2) (as amended by section 19 of the Social Welfare and Pensions Act 2007) of the Principal Act is amended by substituting the following definition for the definition of “widowed parent”: 20

“ ‘widowed parent’ means a widow or widower—

(a) who—

(i) in the case of a widow, has at least one qualified child who normally resides with her at the date of death of her spouse or whose child is born within 10 months of the date of death of her spouse, or 25

(ii) in the case of a widower, has at least one qualified child who normally resides with him at the date of death of his spouse, 30

and

(b) who—

(i) is entitled to, or in receipt of, bereavement grant, or 35

(ii) is entitled to, or in receipt of—

(I) death benefit under section 81,

(II) widow’s (contributory) pension under Chapter 18 of Part 2,

(III) widower's (contributory) pension under Chapter 18 of Part 2,

(IV) widow's (contributory) pension under Chapter 18 of Part 2 or widower's (contributory) pension under Chapter 18 of Part 2 by virtue of Council Regulation (EEC) No. 1408/71 of the Council of 14 June 1971¹ or by virtue of a reciprocal agreement under section 287,

(V) one-parent family payment, or

(VI) State pension (non-contributory),

which includes an increase in respect of a qualified child;”.

12.—Section 144(5) of the Principal Act is repealed.

Pre-retirement allowance.

13.—(1) Section 172(1) (as amended by section 17 of and Schedule 3 to the Act of 2006) of the Principal Act is amended by substituting the following definition for the definition of “qualified parent”:

One-parent family payment — entitlement.

“ ‘qualified parent’ means, subject to regulations under section 177—

(a) a widow,

(b) a widower,

(c) a separated spouse,

(d) an unmarried person, or

(e) a person whose spouse has been committed in custody to a prison or place of detention for not less than 6 months,

who is the parent, step-parent, adoptive parent or legal guardian of at least one qualified child, who normally resides with that person;”.

(2) *Subsection (1)* shall not apply, where a person's entitlement to one-parent family payment has been established before the coming into operation of that subsection, for the duration of that person's continuous entitlement to one-parent family payment.

14.—(1) Section 187 of the Principal Act is amended by inserting the following definitions:

Supplementary welfare allowance — amendments.

“ ‘mortgage interest’ means the proportion of any amount payable by a person to a mortgage lender which is for the time being attributable to interest payable under an agreement entered into by that person with the mortgage lender for the purpose of defraying money employed in the purchase, repair or essential improvement of the sole or main residence of that person or to pay off another loan used for that purpose but does not include

¹OJ No. L149, 5.7.1971, p.2

interest payable in relation to such agreement by virtue of a delay or default in making a repayment under that agreement;

‘mortgage lender’ has the meaning given to it by section 2(1) (as amended by section 2 of, and Schedule 3 to, the Central Bank and Financial Services Authority of Ireland Act 2004) of the Consumer Credit Act 1995;”.

(2) Section 198 (as amended by section 25 of the Social Welfare and Pensions Act 2007) of the Principal Act is amended—

(a) in subsection (2), by substituting “and, subject to subsection (3E), the amount of such a payment” for “and the amount of such a payment”,

(b) in subsection (3), by inserting “, (3E)” after “(3D)”,

(c) by inserting the following subsection after subsection (3D):

“(3E) Without prejudice to the generality of subsections (1), (2) and (3), and subject to subsections (3A), (3B), (3D) and (4), where regulations under this section provide for the payment of a supplement towards the amount of rent payable by a person in respect of his or her residence, the regulations shall prescribe the maximum amount of rent in respect of which such supplement is payable having regard to the family circumstances of the person to whom such supplement is payable and the location of the residence of that person.”.

(d) in subsection (5), by deleting “in respect of his or her residence”, and

(e) by inserting the following subsections after subsection (5):

“(5A) Without prejudice to subsections (2) and (5), regulations under subsection (1) may prescribe the conditions and circumstances under which, and the periods for which, the supplement referred to in subsection (5), is payable.

(5B) The amount of a supplement payable in accordance with subsection (5) shall be limited to the amount and duration determined by the Executive to be appropriate, having regard to the family circumstances of the person concerned and subject to the conditions and circumstances and the period for which the supplement is payable, as may be prescribed.”.

(3) Section 199(1) of the Principal Act is amended by deleting the definitions of “mortgage interest” and “mortgage lender”.

Illness benefit — amendment.

15.—(1) Section 41 (as amended by section 4 of the Act of 2006) of the Principal Act is amended—

(a) in subsection (1), by substituting the following paragraph for paragraph (a):

“(a) that the claimant has qualifying contributions in respect of not less than 104 contribution weeks in the period between his or her entry into

insurance and the day for which the benefit is claimed, and”,

and

(b) by inserting the following subsection after subsection (3):

5 “(3A) In the case of a claim for illness benefit where the period of interruption of employment began on or after 5 April 2004 and before 5 January 2009, subsection (1)(a) shall be read as if ‘52’ were substituted for ‘104’.”.

10 (2) Section 44 (as amended by section 4 of the Act of 2006) of the Principal Act is amended—

(a) by inserting the following subsections after subsection (1):

“(1A) Where a person—

15 (a) has qualifying contributions in respect of not less than 260 contribution weeks in the period between his or her entry into insurance and any day of incapacity for work, and

20 (b) before that day has been entitled, in respect of any period of interruption of employment (whether including that day or not) during the period beginning on the date 2 years immediately before that day, or the period beginning on 5 January 2009, whichever is shorter, to illness benefit for 624 days,

25 the person shall not be entitled to illness benefit for that day unless since the last of those 624 days and before that day he or she has requalified for benefit.

(1B) Subsection (1A) shall not apply to any claim for illness benefit where the period of incapacity for work began on or before 4 January 2009.

30 (1C) In the case of a person to whom section 41(1)(c)(ia)(I) applies and—

(a) that person is in receipt of invalidity pension, carer’s benefit or carer’s allowance on 5 January 2009, and

35 (b) the period of incapacity for the illness benefit referred to in section 41(1)(c)(ia)(II) began on or before 4 January 2009,

40 subsection (1A) shall not apply to the illness benefit claim made immediately following the invalidity pension, carer’s benefit or carer’s allowance for the period of incapacity of that illness benefit claim.

45 (1D) Subsection (1A) shall not apply for the period of incapacity of any claim for illness benefit where, on the date immediately before the claim, a person was incapable of work and entitled to or in receipt of injury benefit in respect of a period on or before 4 January 2009.”,

- (b) in subsection (3), by substituting “Notwithstanding subsection (1) or, as the case may be, subsection (1A)” for “Notwithstanding subsection (1)”, and
- (c) in subsection (4), in paragraph (b), by substituting “subsection (1) or, as the case may be, subsection (1A) shall” for “subsection (1) shall”. 5

(3) This section comes into operation on 5 January 2009.

Health and safety
benefit —
amendment.

16.—(1) Section 53 of the Principal Act is amended—

(a) in subsection (1)(a)(ii)—

(i) by substituting the following clause for clause (I): 10

“(I) that the claimant has qualifying contributions in respect of not less than 104 contribution weeks in the period beginning with her entry into insurance and ending immediately before the first day for which 15 health and safety benefit is claimed, and”,

and

(ii) by substituting the following for sub-clause (A) of clause (II):

“(A) that the claimant has qualifying contributions or credited contributions in respect of not less than 39 contribution weeks, in the second last complete contribution year before the beginning of the benefit year or in a subsequent 20 complete contribution year which includes the first day for which health and safety benefit is claimed, of which 25 at least 13 must be qualifying contributions, or”, 30

and

(b) by inserting the following subsection after subsection (2):

“(2A) In the case of a claim for health and safety benefit where the period of health and safety leave began on or after 5 April 2004 and before 5 January 2009, subsection (1)(a)(ii)(I) shall be read as if ‘52’ were substituted 35 for ‘104’.”.

(2) This section comes into operation on 5 January 2009.

Jobseeker’s benefit
— linked claims.

17.—(1) Section 62 of the Principal Act is amended by substituting the following subsection for subsection (8): 40

“(8) Notwithstanding anything contained in subsection (5), any period—

(a) not exceeding 1 year in duration, of—

- (i) employment under a scheme administered by An Foras Áiseanna Saothair and known as Community Employment,
- 5 (ii) employment under a scheme administered under the aegis of the Minister for Community, Rural and Gaeltacht Affairs and known as the Rural Social Scheme,
- 10 (iii) participation in a scheme administered by An Foras Áiseanna Saothair and known as the Enterprise Allowance Scheme,
- (iv) participation in a scheme administered by An Foras Áiseanna Saothair and known as the Alternance Scheme,
- 15 (v) attendance at a training course provided or approved of by An Foras Áiseanna Saothair,
- (vi) participation in a scheme administered by the Commission of the European Union and known as the European Voluntary Service Initiative, or
- 20 (vii) participation in a scheme administered by the Minister and known as the Part-Time Job Incentive Scheme,
- or
- (b) not exceeding 2 years in duration, of participation in a scheme administered by the Minister for Education and Science and known as the Vocational Training Opportunities Scheme,
- 25

shall be disregarded in treating, under subsection (5)(c), any 2 periods of interruption of employment not separated by more than 26 weeks as one period of interruption of employment.”.

30 **18.—(1)** Section 64 (as amended by section 4 of the Act of 2006) of the Principal Act is amended— Jobseeker’s benefit — amendment.

(a) in subsection (1) by substituting the following paragraph for paragraph (a):

35 “(a) has qualifying contributions in respect of not less than 104 contribution weeks in the period between his or her entry into insurance and the day for which benefit is claimed,”,

(b) in subsection (1)(b), by substituting the following subparagraph for subparagraph (i):

40 “(i) has qualifying contributions or credited contributions in respect of not less than 39 contribution weeks, of which at least 13 must be qualifying contributions, in the second last complete contribution year before the beginning of the benefit year which includes the day for which the benefit is claimed, or”,

45

- (c) in subsection (2), by substituting “104” for “52”,
- (d) in subsection (3), by substituting “104” for “52”,
- (e) by inserting the following subsection after subsection (3):

“(3A) In the case of any claim for jobseeker’s benefit where the period of interruption of employment began on or after 5 April 2004 and before 1 January 2009, subsection (1)(a) shall be read as if ‘52’ were substituted for ‘104’.”,

and

- (f) by inserting the following subsection after subsection (4):

“(4A) Regulations may provide for entitling to jobseeker’s benefit, subject to the conditions that may be prescribed, the class or classes of persons who would be entitled to that benefit but for the fact that the requirement, in subsection (1)(b)(i), that there must be qualifying contributions in respect of at least 13 contribution weeks in the second last complete contribution year before the beginning of the benefit year which includes the day for which benefit is claimed, is not satisfied.”.

(2) Section 67 (as amended by section 4 of the Act of 2006) of the Principal Act is amended—

- (a) by substituting the following subsections for subsection (3):

“(3) Subsection (1) shall, in respect of a person who is over the age of 18 years and who has qualifying contributions in respect of not less than 260 contribution weeks have effect as if ‘312 days’ were substituted for ‘156 days’.

(3A) Subsection (1) shall, in respect of a person who, in any period of interruption of employment, has qualifying contributions in respect of not less than 260 contribution weeks in the period between his or her entry into insurance and any day of unemployment, and who has on 15 October 2008 been in receipt of jobseeker’s benefit for more than 156 days, have effect as if ‘390 days’ were substituted for ‘156 days’ for the remainder of such period of interruption of employment.”.

- (b) by substituting the following subsections for subsection (4):

“(4) Subsection (1) shall, in respect of a person who is over the age of 18 years and has qualifying contributions in respect of less than 260 contribution weeks, have effect as if ‘234 days’ were substituted for ‘156 days’.

(4A) Subsection (1) shall, in respect of a person who, in any period of interruption of employment, has qualifying contributions in respect of less than 260 contribution weeks in the period between his or her entry into insurance and any day of unemployment, and who has on 15 October 2008 been in receipt of jobseeker’s benefit for more than 78 days, have effect as if ‘312 days’ were substituted for ‘156 days’ for the remainder of such period of interruption of employment.”.

and

- (c) in subsection (5) by substituting “for 234 days, 312 days or 390 days” for “for 312 days or 390 days”.

(3) Subsection (1) shall come into operation on 1 January 2009.

5 (4) The amendment effected by subsection (1)(b) shall not apply in the case of a claim for jobseeker’s benefit where the period of interruption of employment commences before 1 January 2009.

(5) Subsection (2) shall be deemed to have come into operation with effect from 15 October 2008.

10 **19.—**(1) The Principal Act is amended—

Domiciliary care allowance.

(a) in section 186C (inserted by section 15 of the Act of 2008)—

(i) in paragraph (a), by substituting “registered medical practitioner” for “medical practitioner”, and

15 (ii) in paragraph (c), by deleting the words “as defined in section 3 of the Children Act 2001”,

and

(b) by substituting the following Part for Part 5 (inserted by section 16(i) of the Act of 2008) of Schedule 4:

20

“PART 5

Section 186F.

AMOUNT OF DOMICILIARY CARE ALLOWANCE

The monthly amount of domiciliary care allowance, per child, is €309.50.”.

25 (2) The amendments (effected by *subsection (1)*) to section 186C of, and Part 5 of Schedule 4 to, the Principal Act are deemed to have been included in each of those provisions with effect from the passing of the Act of 2008 and each of those provisions (as amended by *subsection (1)*) shall come into operation in accordance with section
30 1(6) of that Act.

20.—(1) The Principal Act is amended—

Child benefit — amendment.

(a) in section 219 by substituting the following subsection for subsection (1):

35

“(1) A child shall be a qualified child (in this Part referred to as a ‘qualified child’) for the purposes of child benefit where—

(a) he or she is under the age of 16 years, or

(b) having attained the age of 16 years, he or she is under the age of 18 years and is—

(i) receiving full-time education, the circumstances of which shall be specified in regulations, or

(ii) by reason of physical or mental infirmity, incapable of self-support and likely to remain so incapable for a prolonged period, 5

and

(c) he or she is ordinarily resident in the State, and

(d) he or she is not detained in a children detention school and is not undergoing imprisonment or detention in legal custody.”, 10

and

(b) in section 221 (as amended by section 17 of and Schedule 3 to the Act of 2006)— 15

(i) by inserting the following subsections after subsection (1):

“(1A) Notwithstanding section 219(1)(b), where a child who having attained the age of 18 years is under the age of 19 years and is— 20

(a) receiving full-time education, the circumstances of which shall be specified in regulations, or

(b) by reason of physical or mental infirmity, incapable of self-support and likely to remain so incapable for a prolonged period, 25

and

(c) ordinarily resident in the State, and

(d) not detained in a children detention school and is not undergoing imprisonment or detention in legal custody, 30

payment of child benefit in respect of that child shall be made to a person qualified for child benefit at half the appropriate amount set out in column (1) or column (2) of Part 4 of Schedule 4. 35

(1B) The payment referred to in subsection (1A) shall cease to be payable on 31 December 2009.”,

and

(ii) by inserting the following subsections after subsection (8): 40

“(9) Subject to this Act, where a person is qualified for child benefit in respect of a child referred to in subsection (1A) and—

5 (a) an increase in respect of that child is being paid in accordance with section 43(2), 56(2), 66(2), 76(2), 81(5), 102(1), 109(17), 112(2), 113(5)(b), 113A(5)(b), 115(8)(a)(ii), 117(2), 122(2), 127(1), 142(1)(b)(ii), 150(1)(b), 156(1), 161B(1), 174(1), 178A(3)(a), 181(1)(b), 197(b), 211(1)(b), 215(1)(b) or 235(1), or

10 (b) family income supplement in accordance with Part 6 is being paid in respect of a family which includes a child referred to in subsection (1A),

a weekly amount of €15 shall be payable in respect of that child until the date on which that child attains the age of 19 years.

15 (10) Subject to this Act, where a person is qualified for child benefit in respect of a child referred to in subsection (1A), and that child is in receipt of disability allowance in accordance with Chapter 10 of Part 3, a weekly amount of €15 shall be payable in respect of that child until the date on which that child attains the age of 19 years.

20 (11) Only one weekly amount payable pursuant to subsection (9)(a), (9)(b) or (10) shall be payable in respect of a child referred to in subsection (1A).

25 (12) Subsections (9), (10) and (11) shall cease to have effect on 31 December 2010.”.

(2) This section comes into operation on 1 January 2009.

21.—(1) The Principal Act is amended by substituting the following Part for Part 4A (inserted by section 28 of the Act of 2006):

Early childcare supplement — amendment.

30 “PART 4A

EARLY CHILDCARE SUPPLEMENT

35 Entitlement to early childcare supplement. 223A.—Subject to this Part, a person who is a qualified person for the purposes of Part 4 shall, so long as he or she remains so qualified, be paid out of moneys provided by the Oireachtas a monthly payment (in this Act referred to as ‘early childcare supplement’) in accordance with section 223B in respect of each qualified child (within the meaning of section 219) until such time as the qualified child attains the age of 5 years and 6 months.

45 Amount of early childcare supplement. 223B.—(1) Subject to this Act, the maximum amount of early childcare supplement payable under section 223A in respect of each qualified child shall not exceed €1,104 in any year, payable in equal monthly instalments of €92.

(2) Early childcare supplement shall be payable in respect of the month following the month of the birth of the child and shall continue to be payable

up to and including the month in which the child attains the age of 5 years and 6 months.

(3) Early childcare supplement shall be paid monthly in arrears and the final payment shall be in respect of the month in which the child attains the age of 5 years and 6 months. 5

(4) Regulations which may be made under section 242(1)(a) providing for the time and manner of payment of early childcare supplement shall be subject to the consent of the Minister for Finance and the Minister for Health and Children.”. 10

(2) This section comes into operation on 1 January 2009.

Weekly family income — amendment to definition.

22.—Section 227 of the Principal Act is amended in the definition of “weekly family income” by—

(a) deleting paragraph (e), and 15

(b) substituting the following paragraphs for paragraph (f):

“(f) any income of a person who in respect of that family is a child, or

(g) any contribution payable under the tax known as income levy.”. 20

PART 3

MISCELLANEOUS AMENDMENTS TO OTHER ACTS

Amendments to Pensions Act 1990.

23.—The Pensions Act 1990 is amended—

(a) in section 43(1) (as amended by section 37 of and Part 3 of Schedule 2 to the Social Welfare and Pensions Act 2007) by— 25

(i) inserting the following paragraph after paragraph (ba):

“(bb) in the case of a relevant scheme which commenced after 22 September 2005, not later than 3 years after the commencement of the scheme, and”, 30

(ii) in paragraph (d) (as amended by section 29 of the Act of 2008), by substituting “the exclusion ceases to apply, and” for “the exclusion ceases to apply,”, and 35

(iii) by inserting the following paragraph after paragraph (d):

“(e) notwithstanding paragraphs (a) and (b), in the case of each of the following relevant schemes: 40

(i) the Bord Na Móna (Members) Superannuation Scheme 1959;

- 5 (ii) the Dublin Port and Docks Board
Unestablished Employees' Superan-
nuation Scheme 1990;
- (iii) the Dublin Port and Docks Board
Officers' Superannuation Scheme
1961;
- (iv) the Dublin Port and Docks Board
Established Grade A Employees'
Superannuation Scheme;
- 10 (v) the Foynes Port Company Pension
Scheme;
- (vi) the Shannon Estuary Port Company
Superannuation Plan (Limerick Har-
bour Commissioners Officers' Super-
annuation Scheme 1962);
- 15 (vii) the Superannuation Scheme for
Employees of the Pilotage Authority
of the Dublin Pilotage District 1994;
- 20 (viii) the Port of Waterford Company Pen-
sion and Death Benefits Plan;
- not later than 1 January 2009,”,

and

- (b) in section 49(3)(b) (as amended by section 37 of the Social
Welfare and Pensions Act 2007), by substituting “section
25 43(1)(d) or 43(1)(e), where” for “section 43(1)(d)”.

24.—Section 66 of the Civil Registration Act 2004 is amended in
subsection (1) by deleting “the Minister and”. Amendment to
Civil Registration
Act 2004.

PART 4

MONEY ADVICE AND BUDGETING SERVICE

30 **25.**—In this Part “Act of 2000” means the Comhairle Act 2000. Definition.

26.—Section 2 (as amended by section 2 of the Citizens Infor-
mation Act 2007) of the Act of 2000 is amended— Amendments to
section 2 of Act of
2000.

- 35 (a) in the definition of “voluntary body” by inserting “a
money advice and budgeting service,” after “commonly
known as”, and
- (b) in the definition of “social service” by inserting “advice on
personal debt and money management” after “con-
sumer matters,”.

40 **27.**—Section 7 (as amended by section 4 of the Citizens Infor-
mation Act 2007) of the Act of 2000 is amended— Amendments to
section 7 of Act of
2000.

(a) in subsection (1) by inserting the following paragraphs after paragraph (c)—

- “(ca) to support the provision of a service to be known, in the English language, as the Money Advice and Budgeting Service or, in the Irish language, as An tSeirbhís Buiséadaithe agus Comhairle Airgid, to provide advice to individuals for the purpose of the management, avoidance, reduction and discharge of personal debt and in relation to money management, 5 10
- (cb) to promote and develop the provision of the Money Advice and Budgeting Service and to provide information in respect of such provision,
- (cc) to provide, subject to the consent of the Minister, and in accordance with subsection (1A), financial assistance to a voluntary body in respect of any matter related to the functions referred to in paragraphs (ca), (cb), (cd), (ce), (cf) and (cg), 15 20
- (cd) to promote and develop education in respect of money management,
- (ce) to compile and publish data relating to the provision of the Money Advice and Budgeting Service, 25
- (cf) to promote and disseminate awareness and information to the public relating to the provision of the Money Advice and Budgeting Service,
- (cg) to undertake, or commission, research relating to the functions referred to in paragraphs (ca), (cb) and (cd) and on any matter, as the Minister may, from time to time, request, in relation to the functions referred to in paragraphs (ca), (cb) and (cd) to (cf), 30 35
- (ch) to provide advice, information and assistance to the Minister in respect of the functions referred to in paragraphs (ca) to (cg) and such advice, information and assistance in relation to those functions as the Minister may, from time to time, request,” 40

(b) in subsection (1A)—

- (i) in paragraph (a), by substituting “subsection (1),” for “subsection (1), and”,
- (ii) by inserting the following paragraph after paragraph (a): 45
“(aa) support the provision, promotion and development of the Money Advice and Budgeting Service under subsections (1)(ca) and (1)(cb) and the functions 50

referred to in subsections (1)(cd) to (1)(cg),”,

(iii) in paragraph (b), by substituting “subsection (1)(h), and” for “subsection (1)(h),”,

5 (iv) by inserting the following paragraph after paragraph (b):

“(ba) provide financial assistance to a voluntary body under subsection (1)(cc),”,

10 (v) by substituting “may apply under paragraphs (a), (aa), (b) and (ba)” for “may apply under paragraphs (a) and (b)”,

(c) in subsection (1C)—

(i) by substituting “paragraphs (a) and (aa) of subsection (1A)” for “paragraph (a) of subsection (1A)”, and

15 (ii) by substituting “paragraphs (b) and (ba) of that subsection” for “paragraph (b) of that subsection”,

(d) in subsection (1D)—

(i) by substituting “paragraphs (a) and (aa) of subsection (1A)” for “paragraph (a) of subsection (1A)”, and

20 (ii) by substituting “paragraphs (b) and (ba) of that subsection” for “paragraph (b) of that subsection”,

and

(e) by inserting the following subsection after subsection (1E):

25 “(1F) The Board, in performing the functions conferred on it under subsections (1)(ca) to (1)(ch), shall have regard to—

(a) the provision, in particular, of the Money Advice and Budgeting Service to persons on low income who are, or are at risk of becoming, over indebted, and

30 (b) Government policy, in particular social inclusion policy.”.

28.—The Act of 2000 is amended by inserting the following section after section 25:

Transfer by
Minister of certain
rights and liabilities.

35 “Transfer by
Minister of
certain rights
and liabilities.
25A.—(1) Where, before the day on which this
section comes into operation, the Minister has
entered into any contract, agreement or arrange-
ment with any person in respect of the provision
by that person of a service commonly known as
a money advice and budgeting service, and that
contract, agreement or arrangement is in force
immediately before the day on which this section
comes into operation, the Minister may, as he or
she sees fit, under his or her seal, transfer or assign

his or her rights or liabilities arising under such contract, agreement or arrangement to the Board.

(2) Every right and liability transferred by subsection (1) to the Board may, on or after the day on which this section comes into operation, be 5
sued on, recovered or enforced by or against the Board in its own name.”.

“PART 1

RATES OF PERIODICAL BENEFITS AND INCREASES

5	Description of benefit	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for pre-scribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
10								
15								
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		€	€	€	€	€	€	€
20	1. Illness Benefit, Jobseeker's Benefit, Injury Benefit and Health and Safety Benefit	204.30	135.60	26.00	—	—	—	—
	2. Death Benefit:							
25	(a) pension payable to a widow or widower (section 81)	234.70	—	26.00	143.00	7.70	10.00	12.70
30	additional increase for a widow or widower (under section 81) who has attained pensionable age	—	—	—	—	—	—	—
35	(b) pension payable to a parent:							
	(i) reduced rate	113.50	—	—	143.00	7.70	—	—
	(ii) maximum rate	234.70	—	—	143.00	7.70	—	—
40	(c) pension payable to an orphan	180.30	—	—	—	—	—	—
	3. State Pension (Contributory) and State Pension (Transition):	230.30	153.50	26.00	143.00	7.70	10.00	12.70
45	additional increase for a qualified adult who has attained pensionable age	—	52.80	—	—	—	—	—
50	4. Invalidity Pension:	209.80	149.70	26.00	143.00	7.70	10.00	12.70
	additional increase for a beneficiary who has attained the age of 65 years	20.50	—	—	—	—	—	—

Description of benefit	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for pre-scribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	€	€	€	€	€	€	€
additional increase where qualified adult has attained pensionable age	—	56.60	—	—	—	—	—
5. Widow's (Contributory) Pension and Widower's (Contributory) Pension and a payment referred to in paragraph (a) of the definition of 'relevant payment' in section 178:							5
							10
additional increase for a beneficiary who has attained pensionable age	209.80	—	26.00	143.00	7.70	10.00	12.70
							15
6. Guardian's Payment (Contributory)	20.50	—	—	—	—	—	—
							20
7. Carer's Benefit:	176.50	—	—	—	—	—	—
(a) in the case of a person to whom section 102(1)(b) applies							25
	221.20	—	26.00	—	—	—	—
(b) in the case of a person to whom section 102(1)(a) applies							30
	331.80	—	26.00	—	—	—	—

PART 2

OCCUPATIONAL INJURIES BENEFITS — GRATUITIES AND GRANT

	Description of Grant (1)	Amount (2)
		€
5	1. Disablement Benefit: Maximum gratuity	16,470
	2. Death Benefit	850

PART 3

DISABLEMENT PENSION

	Degree of disablement (1)	Weekly rate (2)
		€
	100 per cent... ..	235.40
	90 per cent... ..	211.90
	80 per cent... ..	188.30
15	70 per cent... ..	164.80
	60 per cent... ..	141.20
	50 per cent... ..	117.70
	40 per cent... ..	94.20
	30 per cent... ..	70.60
20	20 per cent... ..	47.10

PART 4

INCREASES OF DISABLEMENT PENSION

	Description of increase (1)	Weekly rate (2)	Increase where the person is living alone (3)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable) (4)
		€	€	€
25				
30	1. Increase where the person is permanently incapable of work	204.30	7.70	12.70
35	2. Increase where the person requires constant attendance	221.20	—	—

”.

SCHEDULE 2

“PART 1

RATES OF PERIODICAL SOCIAL ASSISTANCE AND INCREASES

Description of assistance	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for prescribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
	€	€	€	€	€	€	€	
1. Jobseeker's Allowance:								5
(a) in the case of a person to whom section 142(1)(a) applies	204.30	135.60	26.00	—	—	—	—	10
(b) in the case of a person to whom section 142(1)(b) applies	204.30	135.60	26.00	—	—	—	—	15
2. Pre-Retirement Allowance	204.30	135.60	26.00	—	—	—	—	
3. Disability Allowance	204.30	135.60	26.00	—	—	—	—	
4. State Pension (Non-Contributory)	219.00	144.70	26.00	143.00	7.70	10.00	12.70	20
5. Blind Pension	204.30	135.60	26.00	143.00	7.70	10.00	12.70	
6. Widow's (Non-Contributory) Pension, Widower's (Non-Contributory) Pension and a payment referred to in paragraph (b) or (c) of the definition of 'relevant payment' in section 178	204.30	—	26.00	143.00	7.70	10.00	12.70	25
7. One-Parent Family Payment	204.30	—	26.00	—	—	—	—	30
8. Carer's Allowance:								
(a) in the case of a person to whom section 181(1)(a) applies	330.80	—	26.00	—	—	10.00	12.70	35
								40
								45
								50
								55

Description of assistance		Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for prescribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
(1)		(2)	(3)	(4)	(5)	(6)	(7)	(8)
		€	€	€	€	€	€	€
5	additional increase for a beneficiary who has attained pensionable age	27.70	—	—	—	—	—	—
	(b) in the case of a person to whom section 181(1)(b) applies	220.50	—	26.00	—	—	10.00	12.70
10	additional increase for a beneficiary who has attained pensionable age	18.50	—	—	—	—	—	—
15	9. Guardian's Payment (Non-Contributory)	176.50	—	—	—	—	—	—
	10. Supplementary Welfare Allowance	204.30	135.60	26.00	—	—	—	—
	11. Farm Assist	204.30	135.60	26.00	—	—	—	—

PART 2

INCREASES OF STATE PENSION (NON-CONTRIBUTORY) FOR ONE OF A COUPLE WHERE SPOUSE HAS NOT ATTAINED PENSIONABLE AGE

Means of claimant or pensioner	Weekly rate of increase	
	€	
Where the weekly means of the claimant or pensioner do not exceed €30.00	144.70	5
exceed €30.00 but do not exceed €32.50	143.00	
exceed €32.50 but do not exceed €35.00	141.40	
exceed €35.00 but do not exceed €37.50	139.70	
exceed €37.50 but do not exceed €40.00	138.10	10
exceed €40.00 but do not exceed €42.50	136.40	
exceed €42.50 but do not exceed €45.00	134.80	
exceed €45.00 but do not exceed €47.50	133.10	
exceed €47.50 but do not exceed €50.00	131.50	
exceed €50.00 but do not exceed €52.50	129.80	15
exceed €52.50 but do not exceed €55.00	128.20	
exceed €55.00 but do not exceed €57.50	126.50	
exceed €57.50 but do not exceed €60.00	124.90	
exceed €60.00 but do not exceed €62.50	123.20	
exceed €62.50 but do not exceed €65.00	121.60	20
exceed €65.00 but do not exceed €67.50	119.90	
exceed €67.50 but do not exceed €70.00	118.30	
exceed €70.00 but do not exceed €72.50	116.60	
exceed €72.50 but do not exceed €75.00	115.00	
exceed €75.00 but do not exceed €77.50	113.30	25
exceed €77.50 but do not exceed €80.00	111.70	
exceed €80.00 but do not exceed €82.50	110.00	
exceed €82.50 but do not exceed €85.00	108.40	
exceed €85.00 but do not exceed €87.50	106.70	
exceed €87.50 but do not exceed €90.00	105.10	30
exceed €90.00 but do not exceed €92.50	103.40	
exceed €92.50 but do not exceed €95.00	101.80	
exceed €95.00 but do not exceed €97.50	100.10	
exceed €97.50 but do not exceed €100.00	98.40	
exceed €100.00 but do not exceed €102.50	96.80	35
exceed €102.50 but do not exceed €105.00	95.10	
exceed €105.00 but do not exceed €107.50	93.50	
exceed €107.50 but do not exceed €110.00	91.80	
exceed €110.00 but do not exceed €112.50	90.20	
exceed €112.50 but do not exceed €115.00	88.50	40
exceed €115.00 but do not exceed €117.50	86.90	
exceed €117.50 but do not exceed €120.00	85.20	
exceed €120.00 but do not exceed €122.50	83.60	
exceed €122.50 but do not exceed €125.00	81.90	
exceed €125.00 but do not exceed €127.50	80.30	45

	Means of claimant or pensioner	Weekly rate of increase
	exceed €127.50 but do not exceed €130.00	78.60
	exceed €130.00 but do not exceed €132.50	77.00
	exceed €132.50 but do not exceed €135.00	75.30
	exceed €135.00 but do not exceed €137.50	73.70
5	exceed €137.50 but do not exceed €140.00	72.00
	exceed €140.00 but do not exceed €142.50	70.40
	exceed €142.50 but do not exceed €145.00	68.70
	exceed €145.00 but do not exceed €147.50	67.10
	exceed €147.50 but do not exceed €150.00	65.40
10	exceed €150.00 but do not exceed €152.50	63.80
	exceed €152.50 but do not exceed €155.00	62.10
	exceed €155.00 but do not exceed €157.50	60.50
	exceed €157.50 but do not exceed €160.00	58.80
	exceed €160.00 but do not exceed €162.50	57.20
15	exceed €162.50 but do not exceed €165.00	55.50
	exceed €165.00 but do not exceed €167.50	53.80
	exceed €167.50 but do not exceed €170.00	52.20
	exceed €170.00 but do not exceed €172.50	50.50
	exceed €172.50 but do not exceed €175.00	48.90
20	exceed €175.00 but do not exceed €177.50	47.20
	exceed €177.50 but do not exceed €180.00	45.60
	exceed €180.00 but do not exceed €182.50	43.90
	exceed €182.50 but do not exceed €185.00	42.30
	exceed €185.00 but do not exceed €187.50	40.60
25	exceed €187.50 but do not exceed €190.00	39.00
	exceed €190.00 but do not exceed €192.50	37.30
	exceed €192.50 but do not exceed €195.00	35.70
	exceed €195.00 but do not exceed €197.50	34.00
	exceed €197.50 but do not exceed €200.00	32.40
30	exceed €200.00 but do not exceed €202.50	30.70
	exceed €202.50 but do not exceed €205.00	29.10
	exceed €205.00 but do not exceed €207.50	27.40
	exceed €207.50 but do not exceed €210.00	25.80
	exceed €210.00 but do not exceed €212.50	24.10
35	exceed €212.50 but do not exceed €215.00	22.50
	exceed €215.00 but do not exceed €217.50	20.80
	exceed €217.50 but do not exceed €220.00	19.20
	exceed €220.00 but do not exceed €222.50	17.50
	exceed €222.50 but do not exceed €225.00	15.90
40	exceed €225.00 but do not exceed €227.50	14.20
	exceed €227.50 but do not exceed €230.00	12.60
	exceed €230.00 but do not exceed €232.50	10.90
	exceed €232.50 but do not exceed €235.00	9.30
	exceed €235.00 but do not exceed €237.50	7.60
45	exceed €237.50 but do not exceed €240.00	5.90

Means of claimant or pensioner	Weekly rate of increase
exceed €240.00 but do not exceed €242.50	4.30
exceed €242.50 but do not exceed €245.00	2.60
exceed €245.00	Nil

PART 3

INCREASE OF BLIND PENSION FOR ONE OF A COUPLE WHERE SPOUSE HAS NOT ATTAINED PENSIONABLE AGE 5

Means of claimant or pensioner	Weekly rate of increase	
	€	
Where the weekly means of the claimant or pensioner do not exceed €7.60	135.60	
exceed €7.60 but do not exceed € 10.10	133.90	10
exceed €10.10 but do not exceed €12.60	132.30	
exceed €12.60 but do not exceed €15.10	130.60	
exceed €15.10 but do not exceed €17.60	129.00	
exceed €17.60 but do not exceed €20.10	127.30	
exceed €20.10 but do not exceed €22.60	125.60	15
exceed €22.60 but do not exceed €25.10	124.00	
exceed €25.10 but do not exceed €27.60	122.30	
exceed €27.60 but do not exceed €30.10	120.70	
exceed €30.10 but do not exceed €32.60	119.00	
exceed €32.60 but do not exceed €35.10	117.30	20
exceed €35.10 but do not exceed €37.60	115.70	
exceed €37.60 but do not exceed €40.10	114.00	
exceed €40.10 but do not exceed €42.60	112.40	
exceed €42.60 but do not exceed €45.10	110.70	
exceed €45.10 but do not exceed €47.60	109.10	25
exceed €47.60 but do not exceed €50.10	107.40	
exceed €50.10 but do not exceed €52.60	105.70	
exceed €52.60 but do not exceed €55.10	104.10	
exceed €55.10 but do not exceed €57.60	102.40	
exceed €57.60 but do not exceed €60.10	100.80	30
exceed €60.10 but do not exceed €62.60	99.10	
exceed €62.60 but do not exceed €65.10	97.40	
exceed €65.10 but do not exceed €67.60	95.80	
exceed €67.60 but do not exceed €70.10	94.10	
exceed €70.10 but do not exceed €72.60	92.50	35
exceed €72.60 but do not exceed €75.10	90.80	
exceed €75.10 but do not exceed €77.60	89.10	
exceed €77.60 but do not exceed €80.10	87.50	
exceed €80.10 but do not exceed €82.60	85.80	
exceed €82.60 but do not exceed €85.10	84.20	40
exceed €85.10 but do not exceed €87.60	82.50	
exceed €87.60 but do not exceed €90.10	80.80	

	Means of claimant or pensioner	Weekly rate of increase
	exceed €90.10 but do not exceed €92.60	79.20
	exceed €92.60 but do not exceed €95.10	77.50
	exceed €95.10 but do not exceed €97.60	75.90
	exceed €97.60 but do not exceed €100.10	74.20
5	exceed €100.10 but do not exceed €102.60	72.50
	exceed €102.60 but do not exceed €105.10	70.90
	exceed €105.10 but do not exceed €107.60	69.20
	exceed €107.60 but do not exceed €110.10	67.60
	exceed €110.10 but do not exceed €112.60	65.90
10	exceed €112.60 but do not exceed €115.10	64.20
	exceed €115.10 but do not exceed €117.60	62.60
	exceed €117.60 but do not exceed €120.10	60.90
	exceed €120.10 but do not exceed €122.60	59.30
	exceed €122.60 but do not exceed €125.10	57.60
15	exceed €125.10 but do not exceed €127.60	56.00
	exceed €127.60 but do not exceed €130.10	54.30
	exceed €130.10 but do not exceed €132.60	52.60
	exceed €132.60 but do not exceed €135.10	51.00
	exceed €135.10 but do not exceed €137.60	49.30
20	exceed €137.60 but do not exceed €140.10	47.70
	exceed €140.10 but do not exceed €142.60	46.00
	exceed €142.60 but do not exceed €145.10	44.30
	exceed €145.10 but do not exceed €147.60	42.70
	exceed €147.60 but do not exceed €150.10	41.00
25	exceed €150.10 but do not exceed €152.60	39.40
	exceed €152.60 but do not exceed €155.10	37.70
	exceed €155.10 but do not exceed €157.60	36.00
	exceed €157.60 but do not exceed €160.10	34.40
	exceed €160.10 but do not exceed €162.60	32.70
30	exceed €162.60 but do not exceed €165.10	31.10
	exceed €165.10 but do not exceed €167.60	29.40
	exceed €167.60 but do not exceed €170.10	27.70
	exceed €170.10 but do not exceed €172.60	26.10
	exceed €172.60 but do not exceed €175.10	24.40
35	exceed €175.10 but do not exceed €177.60	22.80
	exceed €177.60 but do not exceed €180.10	21.10
	exceed €180.10 but do not exceed €182.60	19.40
	exceed €182.60 but do not exceed €185.10	17.80
	exceed €185.10 but do not exceed €187.60	16.10
40	exceed €187.60 but do not exceed €190.10	14.50
	exceed €190.10 but do not exceed €192.60	12.80
	exceed €192.60 but do not exceed €195.10	11.20
	exceed €195.10 but do not exceed €197.60	9.50
	exceed €197.60 but do not exceed €200.10	7.80

Means of claimant or pensioner	Weekly rate of increase
exceed €200.10 but do not exceed €202.60	6.20
exceeds €202.60 but do not exceed €205.10	4.50
exceeds €205.10 but do not exceed €207.60	2.90
exceeds €207.60	Nil

”. 5



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**AN BILLE LEASA SHÓISIALAIGH (FORÁLACHA
ILGHNÉITHEACHA) 2008
SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) BILL
2008**

EXPLANATORY MEMORANDUM

Introduction

This Bill provides for increases in the rates of social insurance and social assistance payments and improvements in Family Income Supplement. It also provides for certain amendments to the social welfare code, as announced in Budget 2009, and includes amendments to PRSI.

The Bill further provides for amendment to a number of other Acts, including the Pensions Acts 1990 to 2007, the Civil Registration Act 2004 and the Citizens Information Acts 2000 and 2007.

Main Provisions

The Bill comprises 4 Parts and contains 28 sections.

Part 1 — Preliminary and General

Section 1 provides for the short title, collective citation and commencement of the Bill.

Section 2 contains the definitions of certain terms as they apply in the Bill.

Part 2 — Amendments to the Social Welfare Acts

Increases in Payments

Sections 3 and 4 and Schedules 1 and 2 to the Bill provide for increases in the rates of social welfare payments. These include an increase of €7.00 per week for recipients of pensions and carer payments who are aged 66 years and over. The Bill also provides for an increase of €6.50 on all working age payments, including Jobseeker's Benefit, Disability Allowance, One-Parent Family Payment and Carer's Benefit and Allowance payable to carers aged under 66 years. It further provides for increases in the allowances payable in respect of qualified adults and qualified children. These increases come into effect in January 2009.

Family Income Supplement

Section 5 provides for increases in the weekly income limits used

to determine entitlement to Family Income Supplement. This measure will take effect from January 2009.

PRSI changes

Sections 6 and 7 provide for an increase, from €50,700 to €52,000, in the annual PRSI earnings ceiling applicable to employees and optional contributors. This amendment comes into effect from 1 January 2009.

Reckonable Income

Section 8 provides that income from dividends arising from stallion fees, stud greyhound fees and profits from the occupation of certain woodlands will be taken into account in estimating reckonable income for PRSI purposes. This amendment is necessary to disregard the provisions of Section 140 of the Tax Consolidation Act 1997 when estimating reckonable income for PRSI purposes.

Amendments to definitions

Sections 9 and 10 provide for the amendment of the references to a reformatory or industrial school and medical practitioner which are contained in the Social Welfare Consolidation Act 2005, by replacing those terms with the definitions “children detention school”, and “registered medical practitioner” as provided for in the Children Act 2001 and the Medical Practitioners Act 2007 respectively.

Widowed Parent Grant

Section 11 amends the definition of “widowed parent” in order to provide that the Grant will be payable to a widow whose child is born within 10 months of the date of death of the deceased spouse.

Pre-Retirement Allowance

Section 12 provides for the deletion of a provision which applied to persons who were in receipt of Pre-Retirement Allowance prior to April 1993. This provision is obsolete as all such recipients would have transferred to State pension payments before or during 2004.

One-Parent Family Payment

Section 13 clarifies that, for the purposes of the One-Parent Family Payment scheme, a “qualified parent” must be the parent, step-parent, adoptive parent or legal guardian of the qualified child. It also provides for continued payment to existing recipients who established entitlement under the current definition of “qualified parent”.

Supplementary Welfare Allowance

Section 14 provides for amendments to the provisions governing payment of Rent and Mortgage Interest Supplement under the Supplementary Welfare Allowance scheme. It provides that the maximum amount of Rent Supplement will be specified in regulations. It also provides that the amount and duration of Mortgage Interest Supplement will be determined by the Health Service Executive having regard to the circumstances of the person concerned and subject to any conditions etc. that may be prescribed.

Illness Benefit

Section 15 provides for a number of amendments to the provisions governing the Illness Benefit scheme, with effect from 5 January 2009, as follows:—

- (a) the minimum number of qualifying contributions required will be increased from 52 to 104;

- (b) Illness Benefit will be payable for 624 days (i.e. two years) in the case of a person who has more than 260 paid PRSI contributions;
- (c) payment will continue where a person has been in receipt of Illness Benefit on a long-term basis, provided that the claim is not broken for a period exceeding 3 days; and
- (d) existing special provision for claimants who participate in reactivation programmes will be maintained.

Health and Safety Benefit

Section 16 provides for amendment to the provisions governing the Health and Safety Benefit scheme, by increasing, from 52 to 104, the minimum number of PRSI contributions required in order to qualify for benefit, and providing that the claimant must have at least 13 paid PRSI contributions in the relevant tax year.

Jobseeker's Benefit — linked claims

At present the Principal Act provides for the disregard of certain periods where a Jobseeker's Benefit claimant participates in specified training and employment schemes. *Section 17* provides for the extension of the linking period in respect of Jobseeker's Benefit to two years and six months in the case of a person who is participating in certain Vocational Training Opportunities Schemes (VTOS).

Jobseeker's Benefit — amendments

Section 18 provides for a number of amendments to the Jobseeker's Benefit scheme as follows:—

- (a) an increase, from 52 to 104, in the number of PRSI contributions required in order to qualify for benefit;
- (b) a requirement that the claimant must have 13 qualifying contributions in the relevant tax year;
- (c) amendments to the duration of benefit (12 months in the case of a person who has paid at least 260 PRSI contributions, and 9 months in the case of a person who has paid less than 260 PRSI contributions); and
- (d) special provision for claimants who were in receipt of Jobseeker's Benefit on Budget Day, 14 October 2008.

Domiciliary Care Allowance

Provision was made in the Social Welfare and Pensions Act 2008 for the transfer of the administrative responsibility for Domiciliary Care Allowance from the Department of Health and Children to the Department of Social and Family Affairs in 2009. While those provisions have not yet been given effect, *Section 19* of this Bill provides for amendments to the Domiciliary Care Allowance scheme. These include:—

- (a) reflecting the amendment to the definition of children detention school, as provided for in Section 9 of this Bill; and
- (b) providing an increase, from €299.60 to €309.50, in the monthly rate of the Allowance.

Child Benefit

Section 20 contains amendments to entitlement to Child Benefit, by providing that the benefit will be payable in respect of a child up to his or her 18th birthday. It also provides that a special payment,

of half the standard Child Benefit payment rate, will be payable in 2009 only in respect of qualified children who are currently aged 18. Special provision is made to provide for a compensatory payment of €15 per week to families in receipt of social welfare payments which include a payment for qualified children in this age group and low-income families in receipt of Family Income Supplement which include qualified children in this age group. This additional payment will also be applicable to persons within this age group who are in receipt of Disability Allowance in their own right. This compensatory payment measure will cease to have effect on 31 December 2010.

Early Childcare Supplement

Section 21 provides for a small increase in the rate of Early Childcare Supplement to €92 per month to facilitate transition from quarterly to monthly payments, it also provides that payment will be made monthly in arrears rather than on a quarterly basis, and that the Supplement will be payable in respect of a child up to the age of five years and six months. These amendments will take effect from 1 January 2009.

Family Income Supplement

Section 22 provides for the deduction of any contributions payable under the tax known as “income levy” in calculating weekly family income for the purposes of Family Income Supplement.

Part 3 — Miscellaneous amendments to other Acts

Amendments to Pension Acts

Section 23 clarifies requirements for the submission of an actuarial funding certificate for new schemes commencing on or after the date of transposition of Directive 2003/41/EC (23 Sept 2005). The amendments also confirm that 8 named schemes shall have an effective date for the submission of an actuarial funding certificate of 1st January 2009.

Civil Registration Act 2004

Section 24 removes the requirement for an tArd-Chláraitheoir to consult with the Minister for Health and Children when giving information to certain specified others. This change is necessitated in the context of the transfer of functions in relation to the General Register Office from the Minister for Health and Children to the Minister for Social and Family Affairs.

Part 4 — Money Advice and Budgeting Service

Money Advice and Budgeting Service

Sections 25 - 28 provide for the proposed transfer of the functions relating to the provision of the Money Advice and Budgeting Service to the Citizens Information Board. The purpose of the measure is to provide that the Board will promote, develop and disseminate information and education about debt, money management and related matters. It will compile and publish data. It will undertake research and it will provide the Minister with information and advice on matters related to its functions.

*An Roinn Gnothaí Sóisialacha agus Teaghlaigh,
Deireadh Fómhair, 2008.*