



AN BILLE LEASA SHÓISIALAIGH 2009
SOCIAL WELFARE BILL 2009

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As initiated

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ACTS REFERRED TO

Financial Emergency Measures in the Public Interest Act 2009	2009, No. 5
Health Act 2004	2004, No. 42
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Social Welfare and Pensions Act 2007	2007, No. 8
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AN BILLE LEASA SHÓISIALAIGH 2009
SOCIAL WELFARE BILL 2009

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE
ACTS AND THE HEALTH CONTRIBUTIONS ACT 1979.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

10 **1.—**(1) This Act may be cited as the Social Welfare Act 2009. Short title and
construction.
(2) The Social Welfare Acts and *sections 2 to 11* shall be read
together as one.

2.—In this Act— Definitions.

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

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

PART 2

AMENDMENTS TO SOCIAL WELFARE ACTS

20 **3.—**(1) Section 13(2) of the Principal Act is amended by substitut- Employment
ing the following paragraphs for paragraph (c) (as amended by contributions —
section 6(1) of the Social Welfare (Miscellaneous Provisions) Act amendment to
2008): income ceiling.

25 “(c) Subject to paragraph (ca) where in a particular contri-
bution year an employed contributor’s reckonable
earnings have amounted to the sum of €75,036 and
the contributions payable under paragraph (b) have
been paid in respect of those reckonable earnings,
no further such contribution shall be payable in

respect of any reckonable earnings of that employed contributor by the employed contributor in that contribution year.

(ca) In the case of an employed contributor who has paid contributions under paragraph (b) in respect of reckonable earnings amounting to the sum of €52,000 prior to 1 May 2009, further contributions shall be payable from that date in respect of such additional reckonable earnings not exceeding €23,036 in that contribution year and paragraph (c) shall be read, together with any modifications as may be necessary, as if €23,036 were substituted for €75,036 in respect of the additional reckonable earnings.”.

(2) This section comes into operation on 1 May 2009. 15

Optional contributions — amendment to income ceiling.

4.—(1) Section 29(1) of the Principal Act is amended in paragraph (b) (as amended by section 7(1) of the Social Welfare (Miscellaneous Provisions) Act 2008) by substituting “€75,036” for “€52,000”.

(2) This section comes into operation on 1 May 2009. 20

Jobseeker’s benefit — amendments.

5.—The Principal Act is amended—

(a) in section 62(5) (as amended by section 4 and Schedule 1 of the Act of 2006) by substituting the following paragraph for paragraph (a):

“(a) a day shall not be treated in relation to an insured person as a day of unemployment unless on that day—

(i) he or she is capable of work,

(ii) he or she is, or by reason of his or her participation in an activity prescribed for the purposes of this subsection and subject to the conditions that may be prescribed, is deemed to be, or is exempted from being required to be, available for employment,

(iii) he or she is genuinely seeking, but is unable to obtain, employment suitable for him or her having regard to his or her age, physique, education, normal occupation, place of residence and family circumstances, and

(iv) he or she participates, or agrees to participate as the case may be, if requested to do so by an officer of the Minister in a course of education, training or development which is considered appropriate by the officer having regard to the training and education needs of the person and his or her personal circumstances,”

and

(b) in section 67 by inserting the following subsection after subsection (9) (as amended by section 4 and Schedule 1 of the Act of 2006):

5 “(10) For the purposes of this section, where a person receives a payment in respect of a scheme administered by the Minister and known as the Short Term Enterprise Allowance Scheme in respect of any week of unemployment, which includes any day in respect of which that person is entitled to jobseeker’s benefit, any day of unemployment in that week shall be treated as though it were a day in respect of which jobseeker’s benefit was paid.”.

6.—The Principal Act is amended—

Jobseeker’s allowance — amendments.

(a) in section 141(4), by substituting the following paragraphs for paragraphs (b) and (c):

15 “(b) is, or by reason of the person’s participation in an activity prescribed for the purposes of this subsection and subject to any conditions that may be prescribed, is deemed to be, or is exempted from being required to be available for employment,

20 (c) is genuinely seeking, but is unable to obtain, suitable employment having regard to the person’s age, physique, education, normal occupation, place of residence and family circumstances, and

25 (d) participates or agrees to participate as the case may be, if requested to do so by an officer of the Minister in a course of education, training or development which is considered appropriate by the officer having regard to the training and education needs of the person and his or her personal circumstances.”,

30 (b) in section 142(1) (as amended by section 4 and Schedule 1 of the Act of 2006) by substituting “sections 142A, 144 and 146,” for “sections 144 and 146,” and

35 (c) by inserting the following section after section 142:

“Rates of assistance — ages 18 and 19 years. 142A.—(1) Notwithstanding section 142(1), in the case of a person who—

40 (a) has attained the age of 18 years and has not attained the age of 20 years,

45 (b) is not a person referred to in section 142(1)(a)(ii) (as amended by section 20 of the Social Welfare and Pensions Act 2007), and

(c) is not entitled to an increase in respect of a qualified child,

the scheduled rate of jobseeker's allowance shall be the weekly rate set out in column (2) at reference 1(c) in Part 1 of Schedule 4, (as inserted by *section 11(a)* of the *Social Welfare Act 2009*) increased by the amount set out in column (3) of that Part opposite that reference for any period during which the claimant or beneficiary has a qualified adult, subject to the restriction that the claimant or beneficiary shall not be entitled for the same period to an increase of allowance under this subsection in respect of more than one person.

(2) (a) In the case of a person referred to in subsection (1), and subject to paragraph (b), jobseeker's allowance shall be payable where the weekly means of the claimant or beneficiary—

(i) are less than €1, at the scheduled rate,

(ii) are equal to €1, at the scheduled rate reduced by €1, and

(iii) exceed €1, at the scheduled rate, reduced by €1 for each amount (if any) of €1 by which those weekly means exceed €1.

(b) Where the weekly means of the claimant or beneficiary are equal to or exceed the scheduled rate, no jobseeker's allowance shall be payable.

(3) Section 144 shall not apply to payments made in accordance with this section.

(4) This section shall not apply in the case of a claim for jobseeker's allowance where—

(a) the period of interruption of employment commenced on or before 29 April 2009,

(b) a claimant has exhausted, immediately prior to applying for an allowance under this section, his or her entitlement to benefit payable pursuant to section 67, or

(c) a claimant was in receipt of disability allowance immediately before he or she makes the claim under this section.”.

(a) by the substitution for section 197 of the following section:

5 “197.—(1) In the case of a person who has no means as determined by this Chapter and subject to a payment under section 198, the weekly amount of supplementary welfare allowance payable shall be as set out in column (2) at reference 10(a) of Part 1 of Schedule 4 (as inserted by section 11(b) of the *Social Welfare Act 2009*), increased by—

10 (a) the amount set out in column (3) of that Part for any period during which the claimant or beneficiary has a qualified adult subject to the restriction that the claimant or beneficiary shall not be entitled for the same period to an increase of allowance under this paragraph in respect of more than one person, and

15 (b) the appropriate amount set out in column (4) of that Part in respect of each qualified child.

20 (2) Notwithstanding subsection (1), in the case of a person who has not attained the age of 20 years who has no means as determined by this Chapter and who is not entitled to an increase in respect of a qualified child, subject to any payment under section 198, the weekly amount of supplementary welfare allowance payable shall be as set out in column (2) at reference 10(b) of Part 1 of Schedule 4 (as inserted by section 11(b) of the *Social Welfare Act 2009*), increased by the amount set out in column (3) of that Part for any period during which the beneficiary has a qualified adult subject to the restriction that the claimant or beneficiary shall not be entitled for the same period to an increase of allowance under this subsection in respect of more than one person.

25 (3) Subsection (2) shall not apply in the case of a claim for supplementary welfare allowance where the claimant has been in continuous receipt of the allowance from a date on or before 29 April 2009.”,

30 (b) in section 198 by the insertion after subsection (3E) (inserted by section 14 of the *Social Welfare (Miscellaneous Provisions) Act 2008*) of the following subsection:

35 “(3F) A person shall not be entitled to a payment referred to in subsection (3) unless on the making of the application, the Executive is satisfied that the person—

40 (a) is a *bona fide* tenant,

45 (b) has been—

(i) assessed by a housing authority pursuant to section 9 of the *Housing Act 1988* (as amended by section 75 of the *Health Act 2004*) as having a housing need, or

50 (ii) has been, for the period that is prescribed, residing in—

(I) rented accommodation, or

(II) accommodation for homeless persons as provided under section 10 of the Housing Act 1988.”,

and 5

(c) in section 198 by inserting the following subsections after subsection (6):

“(7) As respects the supplement payable to a person under subsection (3) or any regulations made thereunder, the amount of the supplement payable on or after 1 June 2009 shall be calculated by— 10

(a) deducting the sum of €6 from the amount of that supplement that would be payable per week on 31 May 2009 to the person if they were being paid on a weekly basis (whether or not they were being so paid), 15

(b) multiplying the sum achieved by making the calculation referred to in paragraph (a) by 8 per cent subject to the total amount being rounded up to the nearest €1 where it is a multiple of 50 cent but not also a multiple of €1 and being rounded to the nearest €1 where it is not a multiple of 50 cent or €1, 20

(c) adding the sums achieved by making the calculations at paragraphs (a) and (b) and deducting the total achieved from the amount of supplement payable per week to the person on 31 May 2009. 25

(8) As respects the supplement payable to a person under subsection (5) or any regulations made thereunder, the amount of the supplement payable on or after 1 June 2009 shall be calculated by deducting the sum of €6 from the amount of that supplement that would be payable per week on 31 May 2009 to the person if they were being paid on a weekly basis (whether or not they were being so paid). 30 35

(9) Subsection (7) or (8) shall not apply to a determination or a revised determination of an employee of the Executive in relation to payment of supplement under subsection (3) or (5) or regulations made under either of them, as the case may be, on or after 1 June 2009.”. 40

Early childcare supplement — amendment.

8.—(1) Section 223B (as amended by section 18 of the Financial Emergency Measures in the Public Interest Act 2009) of the Principal Act is amended in subsection (1) by substituting “€498” for “€996” and “€41.50” for “€83”. 45

(2) Part 4A of the Principal Act (inserted by section 28 of the Act of 2006) shall cease to have effect on 1 January 2010.

(3) This section comes into operation on 1 May 2009.

9.—The Principal Act is amended in section 241 by inserting the following subsections after subsection (1):

Claims —
amendment.

5 “(1A) The Minister may prescribe information and the nature and form of the information to be furnished by a person making a claim for benefit where the Minister forms the opinion that the furnishing of the information would assist—

10 (a) a deciding officer, bureau officer, the Executive or any other person who makes a decision in relation to a claim for benefit as to whether the person making the claim is entitled to make a claim for, or receive any benefit under this Act, or

(b) in assessing the training, education or development needs appropriate to his or her personal circumstances.

15 (1B) For the purposes of prescribing information pursuant to subsection (1A) that shall be furnished by a person making a claim for benefit, different types and forms of information may be specified as respects different classes of persons or claims for benefit.”.

20 **10.**—The Principal Act is amended in section 241 by substituting the following subsection for subsection (4A) (inserted by section 16 of the Social Welfare and Pensions Act 2008):

Domiciliary care
allowance — late
claims.

25 “(4A) (a) A person who fails to make a claim for domiciliary care allowance within the prescribed time shall be disqualified for payment in respect of any day before the first day of the month following the day on which the claim is made.

(b) Notwithstanding paragraph (a), where a deciding officer or an appeals officer is satisfied that—

30 (i) on a date earlier than the first day of the month following the day on which the claim was made, apart from satisfying the condition of making a claim, the person became a qualified person within the meaning of section 186D(1) (inserted by section 15 of the Social Welfare and Pensions Act 2008), and

35 (ii) throughout the period between the earlier date and the date on which the claim was made there was good cause for the delay in making the claim,

40 the person shall not be disqualified for receiving payment of domiciliary care allowance in respect of any such period referred to in subparagraph (i) which does not exceed 6 months before the first day of the month following the date on which the claim is made.”.

45 **11.**—The Principal Act (as amended by section 4(1) of the Social Welfare (Miscellaneous Provisions) Act 2008) is amended in Part 1 of Schedule 4—

Revised rates of
payment.

(a) at reference 1. Jobseeker's Allowance, by inserting the following reference after reference (b):

“

(c) in the case of a person to whom section 142A applies	100.00	100.00	-	-	-	-	-
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”

and,

(b) by substituting the following for reference 10.

“

10. Supplementary Welfare Allowance:							
(a) in the case of a person to whom section 197(1) applies	204.30	135.60	26.00	-	-	-	-
(b) in the case of a person to whom section 197(2) applies	100.00	100.00	-	-	-	-	-

”

PART 3

AMENDMENT TO HEALTH CONTRIBUTIONS ACT 1979

Amendments to Health Contributions Act 1979.

12.—(1) The Health Contributions Act 1979 is amended—

(a) by inserting the following section after section 4:

“4A. (1) For the contribution year 2009, the health contribution payable by an individual on his or her reckonable income for that contribution year shall be at the rates specified in the table to this subsection.

Part of reckonable income	Rate of health contribution
The first €75,036	3.333%
The next €25,064	4%
The remainder	4.167%

(2) For a contribution year subsequent to the contribution year 2009, the health contribution payable by an individual on his or her reckonable income for that contribution year shall be at the rates specified in the table to this subsection.

TABLE	
Part of reckonable income	Rate of health contribution
The first €75,036	4%
The remainder	5%

5 .”;

(b) in section 5 by substituting the following subsections for subsections (1A) and (1B):

10 “(1A) Notwithstanding subsection (1) of this section as respects reckonable earnings paid in the period beginning on 1 January 2009 and ending on 30 April 2009, where the amount of the reckonable earnings exceeds—

(a) €1,925, in the case where the period in respect of which the payment concerned is made is a week, or

15 (b) a corresponding amount, in the case where the period in respect of which the payment concerned is made is greater or less than a week,

the health contribution payable under this section shall be calculated at the rate of—

20 (i) 2 per cent of €1,925 or of the corresponding amount, as the case may be, and

(ii) 2.5 per cent of the amount of the excess.

25 (1B) As respects reckonable earnings paid on or after 1 May 2009, and notwithstanding subsection (1A) of this section where the amount of the reckonable earnings exceeds—

(a) €1,443, in the case where the period in respect of which the payment concerned is made is a week, or

30 (b) a corresponding amount, in the case where the period in respect of which the payment concerned is made is greater or less than a week,

the health contribution payable under this section shall be calculated at the rate of—

35 (i) 4 per cent of €1,443 or of the corresponding amount, as the case may be, and

(ii) 5 per cent of the amount of the excess.”;

(c) in section 6 by substituting the following for subsections (1A) and (1B):

“(1A) Notwithstanding subsection (1) of this section as respects reckonable emoluments paid in the period beginning on 1 January 2009 and ending 30 April 2009, where the amount of the reckonable emoluments exceeds—

- (a) €1,925, in the case where the period in respect of which the payment concerned is made is a week, or 5
- (b) a corresponding amount, in the case where the period in respect of which the payment concerned is made is greater or less than a week, 10

the health contribution payable under this section shall be calculated at the rate of—

- (i) 2 per cent of €1,925 or of the corresponding amount, as the case may be, and
- (ii) 2.5 per cent of the amount of the excess. 15

(1B) As respects reckonable emoluments paid on or after 1 May 2009 where the amount of the reckonable emoluments exceeds—

- (a) €1,443, in the case where the period in respect of which the payment concerned is made is a week, or 20
- (b) a corresponding amount, in the case where the period in respect of which the payment concerned is made is greater or less than a week,

the health contribution payable under this section shall be calculated at the rate of— 25

- (i) 4 per cent of €1,443 or of the corresponding amount, as the case may be, and
- (ii) 5 per cent of the amount of the excess.”,

(d) by substituting the following for section 7: 30

“7.—Subject to section 7C, where, in relation to an individual referred to in section 4 of this Act, reckonable income other than emoluments arises in any contribution year, the health contribution payable by that individual for that contribution year in relation to that reckonable income shall be calculated at the rate of— 35

- (a) 4 per cent of that reckonable income where that reckonable income is not more than €75,036, and
- (b) where that reckonable income exceeds €75,036, 5 per cent of the amount of the excess.”, 40

and

(e) by inserting the following sections after section 7B (inserted by section 20 of the Social Welfare (Miscellaneous Provisions) Act 2004):

5 “Aggregation of earnings, emoluments and income for the purpose of calculation of contribution.

7C.—Notwithstanding, sections 5(1A), 5(1B), 6(1A), 6(1B) and 7, where in any contribution year an individual has—

10 (a) reckonable earnings, reckonable emoluments and reckonable income (other than reckonable earnings and reckonable emoluments),

(b) reckonable earnings and reckonable emoluments,

15 (c) reckonable earnings and reckonable income (other than reckonable earnings and reckonable emoluments), or

20 (d) reckonable emoluments and reckonable income (other than reckonable earnings and reckonable emoluments),

25 the aggregate of the matters referred to at paragraph (a), (b), (c) or (d) of the individual for that contribution year shall be taken into account for the purposes of calculating the income thresholds specified in the first column of the table referred to in section 4A(1) or 4A(2) as the case may be.

30 Adjustment to take account of aggregate calculations.

7D.—Notwithstanding sections 5(1A) and 6(1A), calculations made in accordance with those subsections may be adjusted by an employer of an employed contributor to take account of aggregate reckonable earnings or aggregate reckonable emoluments, or both aggregate reckonable earnings and aggregate reckonable emoluments as the case may be, paid in the contribution year and the payment of the health contribution may be made in accordance with the figure achieved as a result of the calculation so adjusted.”.

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