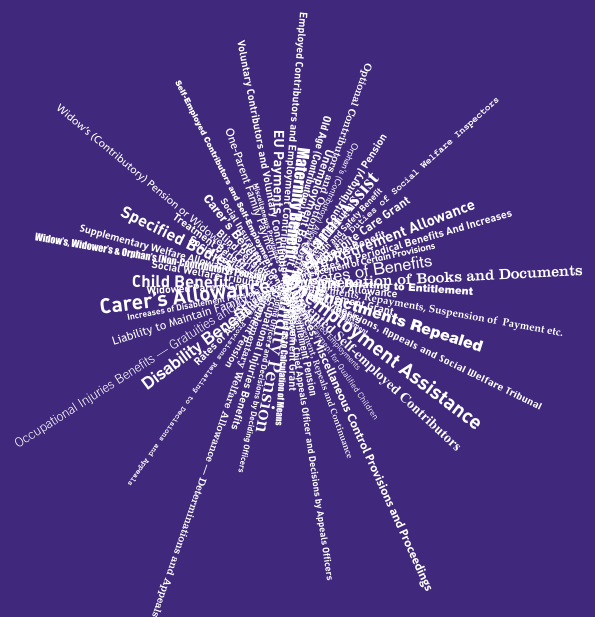


SOCIAL WELFARE CONSOLIDATION ACT 2005

EXPLANATORY GUIDE

DEPARTMENT OF SOCIAL AND FAMILY AFFAIRS
NOVEMBER 2005



This Guide explains in summary form the main provisions of the Social Welfare Consolidation Act 2005. It is not, however, intended to be a legal interpretation of the Act.

The Act contains all of the amendments to the Social Welfare (Consolidation) Act 1993 enacted by the *Oireachtas*, spanning the period from November 1993 until November 2005.

It should be noted that percentage figures and Euro amounts referred to in this Guide are those in effect at the time of the passing of the Act.

The Appendix to this Guide lists the information leaflets available in relation to social welfare schemes.

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FOREWORD FROM THE MINISTER



This Guide to the Social Welfare Consolidation Act 2005 has been prepared by my Department to assist and facilitate those seeking information about the Act by presenting its key provisions in a readily understood form.

The purpose of consolidating social welfare legislation is to draw together, in one accessible Act, all the provisions of primary social welfare legislation. This is the third time the Social Welfare Acts have been consolidated - the two previous occasions were 1981 and 1993. The Social Welfare Consolidation Act 2005 incorporates the amendments made to social welfare legislation since 1993, effected by some 18 Social Welfare Acts and 8 other Acts containing legislation applicable to the social welfare code.

Since the Social Welfare (Consolidation) Act 1993, major developments have occurred in the social welfare code and this new Act chronicles in a comprehensive way how social policy has altered and evolved during the years that will be remembered as the era of the Celtic Tiger economy. The range of supports for carers, farmers, older persons, lone parents, widow(er)s and persons with disabilities reflects the efforts to ensure that all the people reaped the fruits of this country's remarkable economic surge.

The 2005 Consolidation Act provides, in a single document, the principles that govern the social welfare code, including the Social Insurance Fund, Social Insurance-Based Benefits, Social Assistance schemes, Child Benefit, the control and application of these schemes, and a number of other matters which come under my responsibility as Minister for Social and Family Affairs.

The Consolidation Act has 13 Parts, which provide the legislative basis relating to Social Insurance and Social Assistance, such as insurability provisions relating to employees, self-employed persons, voluntary contributors and optional contributors, the range of social insurance-based schemes including Disability Benefit and Unemployment Benefit, as well as the provisions underpinning the Old Age (Contributory), Widow(er)s and Retirement Pension schemes.

The Act contains the key provisions relating to the Social Assistance schemes including Unemployment Assistance, Old Age and Widow(er)s (Non-Contributory) Pensions, One-Parent Family Payment, Carer's Allowance, Supplementary Welfare Allowance and Child Benefit. It also contains general provisions governing social welfare payments and insurability, claims and payments, and the appointment and duties of Social Welfare Inspectors. In addition, it details offences and penalties and provides for legal proceedings under the social welfare code, the mechanisms governing decisions and appeals in relation to social welfare, and the Supplementary Welfare Allowance scheme.

I believe that this Guide makes a substantial contribution towards greater understanding of the complex legislation that provides the platform for the social welfare code and will assist everyone with a general interest in social welfare.

A handwritten signature in blue ink that reads 'Séamus Brennan'.

Séamus Brennan
Minister for Social and Family Affairs

PART 01

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Preliminary

Preliminary (Sections 1-5)

This Part is technical in nature and provides for the construction of the Act, definitions of commonly used terms in the Act and related matters.

→ Interpretation (Section 2)

Section 2 defines commonly used terms in the Act. The majority of the terms are close to their ordinary meaning and application. However, some require explanation, such as:

"Minister" means the Minister for Social and Family Affairs.

"pensionable age" means the age of 66 years.

"qualified adult" for the purpose of a claim under the Act, means:

- a spouse or partner who is wholly or mainly maintained by the person making the claim provided that the spouse or partner is not:
 - » employed or self-employed with income of more than a certain amount, currently €220 per week;
 - » in receipt of a social welfare payment (with exceptions where a spouse or partner's sole income consists of any of the following: Disablement Allowance, Occupational Injuries Death Benefit in respect of an orphan, Orphan's Contributory and Non-Contributory Pensions, Child Benefit, Domiciliary Care Allowance, Supplementary Welfare Allowance, Foster Care Allowance) and is not disqualified on any other grounds;
 - » disqualified for receiving Unemployment Benefit or Unemployment Assistance because of his or her direct interest or involvement in a trade dispute; or

» participating in:

- a full-time non-craft training course ~~or Community Employment Scheme provided by FÁS,~~
- ~~the Rural Social Scheme administered by the Department of Community, Rural and Gaeltacht Affairs,~~
- the Vocational Training Opportunities Scheme administered by the Department of Education and Science;

or

- » in receipt of Back to Education Allowance, Back to Work Allowance, Back to Work Enterprise Allowance, or Part-Time Job Incentive administered by the Department of Social and Family Affairs;

or

- a person aged 16 or over, who has the care of a least one qualified child and who lives with and is being wholly or mainly maintained by the person making the claim where the claimant is single, widowed or separated and is not living with, or being wholly or mainly maintained by, his or her spouse;

or

- any person the Minister specifies in regulations to be a qualified adult.

"qualified child" for the purposes of a claim under the Act is defined as a person who is:

- ordinarily living in the State;
- not detained in a reformatory or an industrial school; and
- under a certain age.

For the purposes of Disability Benefit, Health and Safety Benefit, Unemployment Benefit, Injury Benefit and Unemployment Assistance for not less than 156 days, a qualified child must be under age 18 or over 18 and attending a full-time course of study at second level.

In the case of other social welfare payments, except Supplementary Welfare Allowance, and subject to certain conditions defined in regulations, a qualified child must be under age 18 or over 18 and under age 22 and in full-time education.

For the purposes of Supplementary Welfare Allowance, qualified child is defined at section 188.

"qualifying contribution" is the employment contribution or self-employment contribution (PRSI) which is payable subject to certain limits.

"reckonable earnings" means earnings derived from insurable employment.

"reckonable emoluments", in relation to a self-employed contributor, means income to which the PAYE tax collection system applies, other than certain income specified in regulations, reduced by any superannuation contributions.

"reckonable income" in relation to a self-employed contributor or an optional contributor, means income to which the Tax Acts apply, other than annual profits or gains from, for example any property or a trade or profession carried on in the State or elsewhere. It also includes income such as dividends received from Irish resident companies and income from certain activities currently excluded from liability to tax.

→ Regulations (Section 4)

The Minister has general powers to make regulations where necessary under the Act. Some of these regulations must be approved by the Minister for Finance while others require a resolution of approval of both Houses of the *Oireachtas*.

→ Expenses (Section 5)

Expenses incurred in giving effect to the Act will be financed by the Social Insurance Fund or moneys provided by the *Oireachtas*, as appropriate. Any such payments must be approved by the Minister for Finance. The expenses include fees payable to the Comptroller and Auditor General in respect of auditing the Social Insurance Fund and the administration of redundancy schemes by the Minister for Enterprise, Trade and Employment.

PART 02

[illegible]

SOCIAL WELFARE CONSOLIDATION ACT 2005 EXPLANATORY GUIDE

Social Insurance Fund

CHAPTER 1

Social Insurance Fund (Sections 6-11)

A person may be insured for social welfare purposes in one of four ways, as:

- an employed contributor;
- a self-employed contributor;
- an optional contributor; or
- a voluntary contributor.

Insured persons are required to pay social insurance contributions based on the level of their income. These contributions may provide cover for social insurance payments, which are known as benefits.

→ Sources of moneys and benefits (Sections 6 & 7)

Benefits are paid out of the Social Insurance Fund, which is financed by:

- employment contributions paid by employed contributors and their employers;
- self-employment contributions;
- optional contributions; and
- voluntary contributions.

→ Payments from the Fund (Sections 8 & 9)

The Social Insurance Fund consists of a current account managed by the Minister and an investment account managed by the Minister for Finance. The Comptroller and Auditor General examines and certifies the accounts of the Fund and reports to the *Oireachtas*.

Any sums appropriate to the National Training Fund paid into the Social Insurance Fund, will be transferred to the National Training Fund.

→ Actuarial review (Section 10)

An actuarial review of the Social Insurance Fund is carried out every 5 years and on completion of this review a report is made to the Minister and presented to both Houses of the *Oireachtas*.

→ Payments from Fund for acquisition of land etc. (Section 11)

The approval of the Minister for Finance is required where payments are made from the Social Insurance Fund for purchasing land, premises etc.

CHAPTER 2

Employed Contributors and Employment Contributions (Sections 12-19)

→ Employed contributors and insured persons (Section 12)

In general, employees aged 16 or over and under 66 years of age are compulsorily insured as employees and are referred to in the Act as employed contributors.

Part 1 of Schedule 1 to the Act lists the employments which are liable for employment contributions.

Part 2 of that Schedule lists the exceptions, including employment:

- by a spouse;
- by a relative where the work is undertaken in the relative's home;
- of a casual nature, other than for the purposes of the employer's trade or business and other than for the purposes of any game or recreation where the person employed is engaged or paid through a club;
- specified in regulations as being of such a nature that it is ordinarily adopted as subsidiary employment only and not the employee's principal means of livelihood;
- where earnings are below a certain amount, currently €38 per week; and
- in a FÁS Community Employment scheme, which commenced before 6 April 1996.

In certain types of employment, persons in insurable employment are not insured for Occupational Injuries Benefits. In addition, certain types of employments which are not insurable for social insurance payments generally are insurable for Occupational Injuries Benefits only.

→ Agency workers

Where a person is employed by an employment agency to work for a third party, that person's

employer, for the purposes of the Act, is deemed to be the person liable to pay the employee.

→ Employment contributions (Section 13)

Employment contributions are paid by the employed contributor and his or her employer.

An employer is liable to pay the full (employer's and employee's) contribution but he or she may recover the employee's portion from a person's earnings, provided that he or she does so before or at the time of payment of such earnings.

An employment contribution is based on a percentage of the employed contributor's earnings (after superannuation has been deducted) and varies according to the amount earned. For example, employees insured at the standard Class A rate of contribution are insured for all social insurance payments. They pay a contribution of up to 6% on weekly gross earnings above €287, up to a certain level. The employer pays a contribution of up to 10.75% of the employee's earnings. Currently, employment contributions are not payable on earnings of more than €44,180, in a given tax year.

Where a person is employed by two or more employers at the same time, each employer is liable to pay contributions up to the earnings limit.

Employees who earn less than a certain amount, currently set at €287 per week, do not have to pay social insurance contributions but this does not affect entitlement to social insurance benefits. The employer is still liable for the employer's contribution in this instance.

Employed contributors are insured to different degrees depending on the class of insurance, which is determined by the type of employment.

Where an employee is employed under the Employer's Pay-Related Social Insurance Exemption scheme, the employer is, subject to conditions specified in regulations, exempt from paying a contribution in respect of that employee.

→ **Modified insurance (Section 14)**

The Minister may make regulations to modify the insurance contributions or coverage of certain classes of employee – mainly employees in the civil service or public service.

→ **Payment of contributions and keeping of records (Section 17)**

The Minister may make regulations providing for all matters in relation to the payment and collection of contributions and the keeping and inspecting of records.

→ **Company winding-up and bankruptcy of employer (Section 19)**

Where an employer becomes bankrupt or where the employer, being a company, is wound up, any employment contributions due but unpaid are regarded as priority debts.

CHAPTER 3

Self-Employed Contributors and Self-Employment Contributions (Sections 20-23)

→ Self-employed contributors and insured persons (Section 20)

In general, self-employed persons aged from 16 years up to 66 years are compulsorily insured as self-employed contributors if they are in receipt of reckonable income or reckonable emoluments.

The exceptions are listed at Part 3 of Schedule 1 and include:

- any relative of a self-employed contributor, subject to conditions specified in regulations, who works in the contributor's business and is not a partner in the business;
- a person who is receiving Unemployment Assistance, Pre-Retirement Allowance or Farm Assist;
- a person whose reckonable income or reckonable emoluments is below an annual amount set by regulations, currently €3,174;
- an employed contributor or a person who is receiving a pension arising from his or her previous employment or that of his or her spouse with unearned self-employment income;
- a person who is insured in respect of his or her employment for Widow's or Widower's (Contributory) Pension or Orphan's (Contributory) Allowance only;
- certain persons who are not regarded as living or ordinarily living in the State in accordance with the Income Tax Acts.

→ Rates of self-employment contributions (Section 21)

Self-employed contributors pay a social insurance contribution at a certain percentage of their income, subject to a minimum contribution, currently €253 per annum.

A fixed contribution is payable where income is below the level requiring the submission of a tax return to the Revenue Commissioners. This amount is currently set at €157 per annum.

A person who pays self-employment contributions due for a year is regarded as having paid a contribution in respect of each week in that year but where only a portion of the amount due for the year has been paid, the person is regarded as not having paid a contribution in respect of any week of the year in question. Therefore, where a contribution is only partially paid, it is not taken into account in determining entitlement to benefits.

→ Regulations (Sections 22 & 23)

The Minister may make regulations setting out the contributions payable and the rates of contributions for persons who start or finish self-employment in a year and for persons with different sources of income in the same year, for example, persons with income from both employment and self-employment.

The Minister may also make regulations dealing with the payment and collection of contributions for people with reckonable emoluments, including transferring any such function to the Collector-General.

In general, self-employment contributions payable by a person in respect of reckonable income are assessed, charged and paid as if they were an amount of income tax, but the Minister may specify exceptions in regulations.

CHAPTER 4

Voluntary Contributors and Voluntary Contributions (Sections 24–27)

→ Voluntary contributors (Section 24)

A person who ceases to be insured as either an employed or self-employed contributor may become a voluntary contributor and pay voluntary contributions to maintain his or her insurance record if he or she is under pensionable age and has paid at least 260 contributions and applies within 12 months of the end of the contribution year during which he or she last paid compulsory social insurance or he or she was last awarded a credited contribution.

If a voluntary contributor again becomes an employed or a self-employed contributor, he or she ceases to be a voluntary contributor.

→ Voluntary contributions by former employed contributors (Section 25)

A voluntary contributor who, immediately before becoming a voluntary contributor was an employed contributor, must pay an annual voluntary contribution set at a certain percentage rate of what was his or her reckonable income (if any) in the previous contribution year.

→ Contribution rate payable

The minimum amount payable and percentage rate vary according to the extent of the insurance coverage that the voluntary contributor held immediately before becoming a voluntary contributor and is the higher amount of:

- 2.6% of income in the previous year or €126 where the employment contributions payable are not reckonable for Old Age (Contributory) Pension.

- 6.6% of income in the previous year or €317 where the employment contributions payable are reckonable for Old Age (Contributory) Pension.

→ Extent of insurance cover

A voluntary contributor is not entitled to Disability Benefit, Unemployment Benefit, Maternity Benefit, Invalidity Pension or Treatment Benefit, unless regulations provide otherwise.

Where a voluntary contributor who was not insured for Old Age (Contributory) Pension as an employed contributor is paying the lower percentage rate, his or her voluntary contributions will not be taken into account in determining an entitlement to Old Age (Contributory) Pension, Retirement Pension or Bereavement Grant.

→ Voluntary contributions by former self-employed contributors (Section 26)

A voluntary contributor who immediately before becoming a voluntary contributor was a self-employed contributor must pay an annual contribution of a specific amount, currently €253, which provides cover for Old Age, Widow's and Widower's (Contributory) Pensions and Orphan's (Contributory) Allowance.

Voluntary contributions paid by a former self-employed contributor are taken into account in determining entitlement to Old Age, Widow's and Widower's (Contributory) Pensions or Orphan's (Contributory) Allowance only.

CHAPTER 5

Optional Contributors and Optional Contributions (Sections 28-30)

→ Optional contributors and contributions (Section 28)

A person engaged in share fishing is entitled to become an optional contributor, subject to conditions that may be set down in regulations.

A person ceases to be an optional contributor where he or she ceases to be engaged in share fishing, or ceases to be a self-employed contributor, or fails, in any contribution year to pay the contribution he or she is liable to pay.

→ Rates of optional contributions (Section 29)

An optional contributor is liable to pay a contribution at a rate of 4% of his or her reckonable income in excess of €2,500 in the previous contribution year, subject to the specified minimum amount of €200.

Optional contributions are only payable on income under a defined limit, currently €44,180. Optional contributions are not payable on income in excess of this amount.

→ Extent of cover

Optional contributions are taken into account in determining entitlement to Disability Benefit, Unemployment Benefit and Treatment Benefit only.

→ Regulations (Section 30)

The Minister may make regulations to provide for the calculation of optional contributions payable, the determination of amount or rates of the contributions and the contribution weeks in respect of which the contributions are to be regarded as having been paid for a person who:

- becomes an optional contributor for the first time;
- ceases to be an optional contributor; or
- in any contribution year, has both reckonable income and reckonable earnings.

CHAPTER 6

General (Sections 31-38)

→ Employment outside the State (Section 31)

The Minister may make regulations to modify the social insurance provisions in relation to a person who is, or has been, outside the State while insured under the Act.

→ Regulations varying rates and amounts of contributions (Section 32)

The Minister may make regulations to vary the rates or amounts of employment, self-employment or voluntary contributions.

→ Regulations providing for exceptions and credits (Section 33)

The Minister may make regulations providing for exceptions to the liability to pay social insurance contributions for any specified period and for crediting contributions, in specified circumstances, to insured persons. One of the qualifying conditions for entitlement to the various social insurance payments is that the person concerned has a certain number of paid or credited contributions in a certain period. The number of contributions needed and the period involved varies depending on the type of payment in question. Consequently, having credited contributions can help a person qualify for payment.

→ Return of contributions paid in error (Section 34)

Regulations may provide for refunds of employment, self-employment or voluntary contributions:

- paid in error;
- paid in respect of Old Age (Contributory) Pension by a person who fails to qualify for pension because he or she did not become insured before the age of 56; and
- paid in respect of Retirement Pension by a person who fails to qualify for pension because he or she did not become insured before reaching age 55.

→ Return of certain other contributions (Sections 35 – 38)

Regulations may provide for refunding any contributions in respect of any payments made under a maintenance arrangement.

Regulations may also be made to provide for refunding any employment or self-employment contributions made by a person in respect of:

- a Personal Retirement Savings Account;
- qualifying premiums under an annuity contract approved by the Revenue Commissioners; or
- contributions allowable as deductions from emoluments for the purposes or income tax assessment.

CHAPTER 7

Description of Benefits (Section 39)

The benefits payable under the social insurance scheme are:

- Adoptive Benefit
- Bereavement Grant
- Carer's Benefit
- Disability Benefit
- Health and Safety Benefit
- Invalidity Pension
- Maternity Benefit
- Occupational Injuries Benefit
- Old Age (Contributory) Pension
- Orphan's (Contributory) Allowance
- Retirement Pension
- Unemployment Benefit
- Widow's and Widower's (Contributory) Pension, and
- Widowed Parent Grant.

The cost of social insurance payments is met out of the Social Insurance Fund.

CHAPTER 8

Disability Benefit (Sections 40-46)

→ Entitlement to benefit (Section 40)

Disability Benefit is payable where a person:

- is under 66 years of age but over 16 years of age;
- satisfies the contribution conditions; and
- is unable to work due to illness – this is known as a day of incapacity for work.

A day on which a person is unable to work due to illness forms part of a period of interruption of employment. Any 3 days of incapacity for work within a period of 6 consecutive days are treated as a period of incapacity for work and any two such periods not separated by more than 3 days are treated as one period of incapacity for work.

A day of interruption of employment means any day, other than a Sunday or a day for which a person is getting holiday pay from his or her employer, on which the person is unable to work due to illness or is unemployed. Any 3 days of interruption of employment in a period of 6 consecutive days are treated as a period of interruption of employment and any two such periods not separated by more than 26 weeks are treated as one period of interruption of employment.

Disability Benefit is not normally payable for the first 3 days of any period of incapacity for work. This means that:

- an employed person who becomes unable to work due to illness is entitled to Disability Benefit for the 4th and subsequent days of illness provided that there are at least 3 such days in any period of 6 consecutive days; and
- a person who immediately before becoming unable to work due to illness was in receipt of an unemployment payment or Occupational Injuries Benefit is entitled to Disability Benefit from the first

day of illness. Also, where a person had been in receipt of Disability Benefit for at least 5 years, returned to work and discovered within 13 weeks that he or she was not fit to work, he or she is entitled to Disability Benefit from the first day of illness.

Disability Benefit is payable on the basis of a 6 day week (Sunday is excluded).

→ Qualifying conditions (Section 41)

To qualify for Disability Benefit a person must be under age 66 and have:

- paid at least 52 contributions since first becoming insured;
- at least 39 paid or credited contributions, 13 of which must be paid contributions, in the second last complete tax year before the beginning of the benefit year in which Disability Benefit is claimed (known as the governing contribution year) or 26 paid contributions in each of the second last and third last complete contribution years before the beginning of the benefit year in which Disability Benefit is claimed; and
- earnings in excess of a certain amount in the governing contribution year.

The Minister may make regulations exempting certain persons from the condition that at least 13 of the 39 contributions in the governing contribution year must be paid contributions.

In the case of a person whose earnings are below a specified amount, the Minister may make regulations to entitle him or her to Disability Benefit but the rate of Disability Benefit payable in these cases will be less than the standard rate.

→ Rate of benefit (Sections 42 & 43)

The weekly rate of Disability Benefit is set out in Part 1 of Schedule 2 to the Act. This rate may be increased if the person has a qualified adult or a qualified child. Where the person's spouse or partner is living with the person but is not a qualified adult, increases for children are payable at half the standard rate where the spouse's

income does not exceed a threshold set out in regulations, currently €350 per week.

→ Duration of benefit (Section 44)

A person who has paid at least 260 reckonable social insurance contributions since first becoming insured is entitled to Disability Benefit for as long as he or she remains incapable of work up to age 66. Where a person has between 52 and 259 weeks social insurance contributions paid, Disability Benefit may be paid for up to a maximum of 52 weeks (312 days) in any period of interruption of employment. At the end of this period the person needs 13 weeks paid social insurance contributions in order to re-qualify for benefit (or a smaller number if it brings the total to 260).

Any days for which a person is disqualified for receiving Disability Benefit are counted in calculating whether he or she has received Disability Benefit for a period of 312 days.

→ Disqualifications (Section 46)

A person may be disqualified for receiving Disability Benefit for a period of up to 9 weeks if he or she:

- has become unable to work due to illness as a result of his or her own misconduct;
- fails without having a valid reason to attend for a medical examination; or
- fails to observe certain rules of behaviour set out in regulations, such as obeying the instructions of his or her doctor.

CHAPTER 9

Maternity Benefit (Sections 47 - 51)

→ Entitlement to benefit (Section 47)

Maternity Benefit is payable to employed and self-employed persons. A woman must satisfy the social insurance contribution conditions and have the expected date of birth certified by a doctor. If she is in employment, her employer must also certify that she is entitled to maternity leave under the Maternity Protection Act 1994.

→ Duration of benefit

The benefit is payable for 18 weeks beginning not later than 2 weeks before the end of the week the baby is due and ending not earlier than 4 weeks after the expected week of the baby's birth.

→ Father's entitlement on death of mother

Subject to satisfying the social insurance contribution conditions as either an employed or self-employed contributor, the father of the baby is entitled to Maternity Benefit in the following circumstances:

- where the mother dies within sixteen weeks after the birth of her child, the father is entitled to the benefit up to the end of that sixteenth week; or
- where the mother dies between sixteen and twenty four weeks after the birth of her child, the father is entitled to the benefit up to the end of the twenty-fourth week.

→ Postponement of benefit

Regulations may provide that payment of Maternity Benefit may be postponed where the baby requires hospitalisation.

→ Qualifying conditions (Section 48)

The contribution conditions for Maternity Benefit are as follows:

In the case of an employed contributor, the person must have:

- paid at least 39 contributions since first becoming insured and at least 39 paid or credited contributions in the last complete tax year before the benefit year in which Maternity Benefit is claimed (known as the governing contribution year) or 26 paid contributions in each of the second last and third last complete contribution years before the beginning of the benefit year in which Maternity Benefit is claimed ; or
- at least 39 paid contributions in the 12 months before the 1st day of maternity leave.

In the case of a self-employed contributor, the person must have:

- paid at least 52 contributions in either the second last or third last complete contribution year before the beginning of the benefit year in which maternity benefit is claimed; or
- where the person was previously an employed contributor, paid at least 39 contributions in the 12 months before the 1st day for which Maternity Benefit is claimed.

→ Rate of benefit (Section 49)

The weekly rate of Maternity Benefit is 75% of the weekly earnings in the governing contribution year subject to a minimum weekly payment, currently €165.60 and a maximum weekly payment, currently €249.00.

→ Disqualifications (Section 50)

Regulations may provide for a woman to be disqualified for receiving benefit where:

- she engages for any period in an occupation other than domestic activities in her own home; or
- she fails to attend for a medical examination if required.

CHAPTER 10

Health and Safety Benefit (Sections 52 - 57)

→ Entitlement to benefit (Section 52)

A woman is entitled to Health and Safety Benefit if it is certified by a doctor that it is expected that she will give, or has given, birth in a specified week and her employer has certified that she has been granted health and safety leave under the Maternity Protection Act 1994 and the social insurance conditions are satisfied.

→ Qualifying conditions (Section 53)

The contribution conditions for Health and Safety Benefit are that the woman must have:

- paid at least 52 contributions since first becoming insured and at least 39 paid or credited contributions in the last complete tax year before the benefit year in which Health and Safety Benefit is claimed (known as the governing contribution year) or 26 paid contributions in each of the second last and third last complete contribution years before the beginning of the benefit year in which Health and Safety Benefit is claimed; or
- at least 13 paid contributions in the 12 months immediately before the expected date of birth of her child, and
- earnings in excess of an amount specified in regulations, currently €150 per week.

→ Duration of benefit (Section 54)

For the first 21 days of health and safety leave the employer pays their employee. Thereafter, Health and Safety Benefit is paid for the remainder of health and safety leave. Health and Safety Benefit and Maternity Benefit cannot both be paid for the same period.

→ Rate of benefit (Sections 55 & 56)

The weekly rate of Health and Safety Benefit is set out at Part 1 of Schedule 2 to the Act. An additional amount is payable in respect of a qualified adult or a qualified child. Where the person's spouse or partner is living with her but is not a qualified adult, increases for children are payable at half of the standard rate where the spouse's income does not exceed a threshold set out in regulations, currently €350 per week.

→ Disqualification (Section 57)

A woman may not engage in any occupation other than domestic activities in her own home for the duration of Health and Safety Benefit payment.

CHAPTER 11

Adoptive Benefit (Sections 58 - 61)

→ Entitlement to benefit (Section 58)

Adoptive Benefit is payable to an adopting parent who satisfies certain conditions.

An adopting parent is:

- a woman in whose care a child has been or is to be placed for adoption (including a foreign adoption);
- a man in whose care a child is placed for adoption (including a foreign adoption) where the woman, in whose care the child has been or is to be placed, has died; or
- a man in whose sole care a child has been or is to be placed for adoption (including a foreign adoption).

Where an adopting parent is an employed contributor, his or her employer must certify that the adopting parent is entitled to adoptive leave under the Adoptive Leave Act 1995. Where the adopting parent is in insurable self-employment Adoptive Benefit is payable where a certificate of placement is issued to him or her. The social insurance contribution conditions must also be satisfied.

→ Qualifying conditions (Section 59)

The contribution conditions for Adoptive Benefit are as follows:

In the case of an employed contributor, the adopting parent must have:

- paid at least 39 contributions since first becoming insured and at least 39 paid or credited contributions in the last complete tax year before the benefit year in which Adoptive Benefit is claimed (known as the governing contribution year) or 26 paid contributions in each of the second last and third last complete contribution years

before the beginning of the benefit year in which Adoptive Benefit is claimed; or

- paid at least 39 contributions in the 12 months before the 1st day of adoptive leave.

In the case of a self-employed contributor the adopting parent must have:

- paid at least 52 contributions in either the second last or third last complete contribution year before the beginning of the benefit year in which Adoptive Benefit is claimed; or
- paid at least 39 contributions in the 12 months before the day benefit is claimed (where the person was previously an employed contributor).

→ Duration of benefit

Adoptive Benefit is payable for sixteen consecutive weeks beginning on the day of placement. Where the adopting mother dies before the date of placement the adopting father becomes entitled to Adoptive Benefit for sixteen weeks from the date of placement. Where the adopting mother dies after the date of placement the adopting father becomes entitled to Adoptive Benefit for the remainder of the sixteen week period.

→ Rates of benefit (Section 60)

The weekly rate of Adoptive Benefit is 75% of the weekly earnings in the governing contribution year subject to a minimum weekly payment, currently €165.60 and a maximum weekly payment, currently €249.00.

→ Disqualification (Section 61)

The adopting parent may not engage in any occupation other than domestic activities in his or her own home for the duration of Adoptive Benefit payment.

CHAPTER 12

Unemployment Benefit (Sections 62 - 68)

→ Entitlement to benefit (Section 62)

To qualify for Unemployment Benefit a person must be under age 66 and:

- prove unemployment, by attending as required at a local office of the Department or such other place appointed by the Minister for this purpose and signing a declaration confirming his or her unemployment;
- satisfy certain contribution conditions;
- have sustained a substantial loss of employment, which is defined in regulations as having lost at least 1 day's employment and earnings in a period of 6 consecutive days;
- be capable of and available for full-time work; and
- be genuinely seeking but unable to find suitable employment having regard to the person's age, physique, education, normal occupation, place of living and family circumstances.

Unemployment Benefit is not normally payable for the first 3 days of any period of interruption of employment. This means that an employed person who becomes unemployed is entitled to Unemployment Benefit for the 4th and subsequent days of unemployment provided that there are at least 3 such days (including any day in which the person is unable to work due to illness) in any period of 6 consecutive days. However, a person who, immediately before becoming unemployed, was in receipt of Disability Benefit, Maternity Benefit, Adoptive Benefit, Health and Safety Benefit, Invalidity Pension or credited contributions is entitled to Unemployment Benefit from the 1st day of unemployment.

Unemployment Benefit is normally payable on the basis of a 6 day week (Sunday is excluded). However, in the case of a person on short-time working arrangements, Unemployment Benefit is

payable on the basis of a 5 day week and the daily rate is one-fifth of the appropriate weekly rate. Short-time working arrangements means employment in which a person systematically works fewer days in a working week than the normal number worked in a week in the employment concerned.

Unemployment Benefit is payable for any day of unemployment which forms part of a period of interruption of employment. A day of interruption of employment means any day, other than a Sunday, on which a person is unemployed or is unable to work due to illness. Any 3 days of interruption of employment within a period of 6 consecutive days are treated as a period of interruption of employment and any two such periods not separated by more than 26 weeks are treated as one period of interruption of employment. Periods of up to 1 year spent on:

- certain courses provided or approved by FÁS;
- the Rural Social Scheme;
- a Community Employment Scheme;
- the European Voluntary Service Initiative;
- the Part-Time Job Incentive Scheme; or
- the Vocational Training Opportunities Scheme (VTOS)

are exempted which means that two periods of interruption of employment separated by a period of up to 1 year spent in any of these activities are treated as one period of interruption of employment.

→ Qualifying contributions (Sections 63 & 64)

The contribution conditions for Unemployment Benefit are that the person must have:

- paid at least 52 contributions since first becoming insured;
- at least 39 paid or credited contributions in the last complete tax year before the beginning of the benefit year in which Unemployment Benefit is claimed (known as the governing contribution year) or 26 paid contributions in each of the second

last and third last complete contribution years before the beginning of the benefit year in which Unemployment Benefit is claimed; and

- earnings in excess of a certain amount to qualify for the full rate of Unemployment Benefit in the governing contribution year.

The Minister may make regulations to entitle to benefit a person who does not qualify because his or her earnings in the governing contribution year are below the required amount, but the rate of Unemployment Benefit payable in such cases must be less than the standard rate payable. These powers have been used to provide reduced rates of Unemployment Benefit which are related to a person's level of earnings.

→ Rates of benefit (Sections 65 & 66)

The weekly rate of Unemployment Benefit is set out in Part 1 of Schedule 2 to the Act. This rate is increased where the person has a qualified adult or qualified children. Where the person's spouse or partner is living with the person but is not a qualified adult, increases for children are payable at half of the standard rate where the spouse's income does not exceed a threshold set out in regulations, currently €350 per week.

→ Duration of payment (Section 67)

Unemployment Benefit is payable for a maximum of 15 months for a person with at least 260 contributions paid since first becoming insured and for 26 weeks in the case of a person under age 18. Where a person aged over 18 years has less than 260 paid contributions since first becoming insured, Unemployment Benefit is payable for 12 months. However, a person aged 65 is entitled to receive Unemployment Benefit, beyond 15 months, up to the date on which he or she reaches age 66 provided that he or she has paid at least 156 contributions since he or she first became insured.

A person who has received Unemployment Benefit for the maximum duration may re-qualify when he or she has paid a further 13 contributions at the appropriate class after the date of expiry of 156 days of Unemployment Benefit.

Any days in respect of which a person is disqualified for receiving Unemployment Benefit or in respect of which he or she receives Unemployment Assistance while entitled to Unemployment Benefit are counted in deciding entitlement to the maximum duration of Unemployment Benefit.

→ Disqualifications (Section 68)

A person is disqualified for receiving Unemployment Benefit if he or she has lost employment due to his or her direct interest or involvement in a trade dispute and for any week in which he or she is employed on a Community Employment Scheme or Rural Social Scheme and for any period that he or she has been absent from the State or imprisoned.

A person may also be disqualified for receiving Unemployment Benefit for up to 9 weeks if he or she has:

- lost employment through his or her own misconduct or has voluntarily left employment without good reason;
- refused an offer of suitable employment;
- failed or neglected to avail of any reasonable opportunity to receive training provided or approved by FÁS; or
- been made redundant if under age 55 and has received a redundancy payment in excess of a certain amount, currently set at €19,046.07.

CHAPTER 13

Occupational Injuries Benefits (Sections 69 - 98)

→ Provisions Applicable to all Occupational Injuries Benefits (Sections 69 – 73)

Every person, regardless of age, who is in insurable (occupational injuries) employment is insured against:

- personal injury caused by an accident arising out of and in the course of his or her employment; and
- certain diseases and personal injuries due to the nature of his or her employment.

The diseases and injuries covered are set out in regulations.

Generally, with some exceptions, a person insured for social insurance payments is also insured for Occupational Injuries Benefits purposes. The main categories of persons who are insured for social insurance payments but who are not insured for Occupational Injuries Benefits are members of the Permanent Defence Forces, persons employed by local or public authorities under a contract for services and members of religious communities. The main category of persons who are not insured for social insurance payments generally but who are insured for Occupational Injuries Benefits are persons working on certain FÁS training schemes. Self-employed persons are not covered under the scheme.

Any accident arising in the course of employment is deemed to have arisen out of that employment in the absence of evidence to the contrary. In addition, accidents which occur while a person is travelling to or from work are deemed to be occupational accidents.

A person is not disqualified for receiving benefit if it is found that his or her employment is not covered for Occupational Injuries Benefits because of the failure of any person to comply with legal provisions dealing with the protection of employees.

An employee must notify his or her employer of an accident for which Occupational Injuries Benefits may be payable as soon as possible after the accident and may be disqualified for receiving benefit if he or she fails to do so. Employers must give any information that may be needed for deciding a claim for Occupational Injuries Benefits. An employee is entitled to a decision as to whether an accident was an occupational accident, regardless of whether a claim for Occupational Injuries Benefits is made or if a claim is made, irrespective of whether it is disallowed on other grounds.

The payments available under the Occupational Injuries Benefits scheme are:

- Injury Benefit;
- Disablement Benefit;
- Death Benefit; and
- Medical Care.

→ Injury Benefit (Section 74)

→ Entitlement to benefit

A person who is unable to work as a result of an occupational accident or a personal injury or disease due to the nature of his or her employment - referred to as incapacity - is entitled to Injury Benefit.

→ Duration of payment

Injury Benefit is payable from the 4th day of incapacity for a maximum period of 26 weeks. Any day for which the person receives holiday pay from his or her employer is not regarded as a day of incapacity.

Injury Benefit is payable on the basis of a 6 day week (Sunday is excluded).

→ Rate of payment

The weekly rate of Injury Benefit is set out in Part 1 of Schedule 2 to the Act. This rate may be increased where the person has a qualified adult

or qualified children. Where the person's spouse or partner is living with the person but is not a qualified adult, increases for children are payable at half of the standard rate where the spouse's income does not exceed a threshold set out in regulations, currently €350 per week.

→ Disqualifications

A person may be disqualified for receiving Injury Benefit for a period of up to 9 weeks if he or she fails without good cause to:

- attend for any medical examination or treatment; or
- observe certain rules of behaviour set out in regulations, such as failing to obey the instructions of his or her doctor.

Regulations may specify where reasonable and necessary travelling and other expenses arising from attending for medical examination or treatment are payable.

→ Disablement Benefit (Section 75)

→ Entitlement to benefit

A person who suffers loss of a physical or mental faculty as a result of an occupational accident or a personal injury or disease due to the nature of his or her employment is entitled to Disablement Benefit provided that the degree of disablement is assessed at 1 % or more.

→ Duration of payment

Disablement Benefit is payable from the 4th day following the accident, unless the person is incapable of work in which case it is payable from the last day of entitlement to Injury Benefit.

→ Rates of payment (Section 76)

The degree of disablement arising from an accident is assessed under certain general principles which involve comparing the person's physical and mental condition with that of a

person of the same age and sex in normal health, without regard to any disability which the injured person would have incurred in any event as a result of a congenital defect or injury or disease contracted before the accident.

A provisional assessment may be made of the degree of disablement where a final assessment cannot be made because of possible changes in the person's condition. Assessments between 20% and 100% are rounded to the nearest multiple of 10%.

Where the degree of disablement is assessed at less than 20%, Disablement Benefit is normally payable in the form of a once-off payment known as a Disablement Gratuity. If, however, the degree of disablement is assessed at between 10% and 19% and the period of assessment is in excess of 7 years, the person may choose to receive Disablement Benefit in the form of a Disablement Pension. In the case of assessments of 20% or more, a Disablement Pension is paid.

The maximum rate of disablement gratuity is set out in Part 2 of Schedule 2 to the Act while the rates payable at the various degrees of disablement are set out in regulations. The weekly rates of Disablement Pension are set out in Part 3 of Schedule 2 to the Act.

→ Increase of Disablement Pension on account of Unemployability Supplement and constant attendance

An increase of Disablement Pension, known as Unemployability Supplement, is payable where the person is incapable of work and is likely to remain permanently so incapable, because of the loss of faculty. In this event, the weekly rate of Disablement Pension is increased where the person has a qualified adult or qualified children. Where the person's spouse or partner is living with the person but is not a qualified adult, increases for children are payable at half of the standard rate.

An additional increase, known as Constant Attendance Allowance, is payable where the degree of disablement is assessed at 100% and the person is so incapacitated as to need

someone to help attend to his or her personal needs. Additional amounts are also payable where the person is living alone or living on an island. The rates of payment are set out in Part 4 of Schedule 2 to the Act.

→ Adjustments for successive accidents (Section 79)

Where a person suffers 2 or more successive accidents Disablement Benefit may be paid along with the appropriate rate of Injury Benefit.

→ Disqualifications

A person may be disqualified for receiving Disablement Benefit for a period of up to 9 weeks if he or she fails without good cause to:

- attend for medical examination or treatment; or
- observe certain rules of behaviour set out in regulations, such as failing to obey the instructions of his or her doctor.

Reasonable and necessary travelling and other expenses for attending for medical examination or treatment are payable.

→ Death Benefit (Section 80)

→ Entitlement to benefit

Death Benefit, which consists of:

- Widow's Pension
- Widower's Pension
- Parent's Pension
- Orphan's Pension and
- Funeral Grant,

is payable where an insured person dies as a result of an occupational accident or a personal injury or disease due to the nature of his or her employment.

→ Rates of payment (Section 81)

A Widow's or Widower's Pension, including increases for qualified children, is payable to a man or woman whose spouse dies as a result of an occupational accident, personal injury or disease due to the nature of his or her employment. The weekly rate of pension is set out in Part 1 of Schedule 2 to the Act. An increase is payable where the widow or widower has reached age 66 and is living alone. Entitlement to pension ceases if the widow or widower remarries and is disqualified for receiving pension if and so long as he or she is cohabiting with another person as husband and wife.

→ Death Benefit – Parents (Section 82)

A parent's pension is payable to each parent or adoptive parent of a person who dies as a result of an occupational accident, personal injury or disease due to the nature of his or her employment, provided that the parent or adoptive parent was being wholly or mainly maintained by the deceased person. Where the deceased person was married the parent's pension is payable at the standard rate. If the deceased person was widowed or unmarried and both parents qualify for a pension, one parent receives the standard rate of pension and the other receives a higher rate. The higher rate is generally paid to the mother, except where the father is incapable of self-support by reason of some physical or mental infirmity, in which case he receives the higher rate for as long as he remains so incapable.

The weekly rate of parent's pension is set out in Part 1 of Schedule 2 to the Act. An increase is payable where the parent has reached age 66 and is living alone. In the case of a widow or unmarried woman, entitlement to pension stops if she marries, or remarries and she is disqualified for receiving pension if and so long as she is cohabiting with a man as husband and wife.

→ Death Benefit – Orphans (Section 83)

An Orphan's Pension is payable in respect of an orphan whose parent, step-parent or the person who was wholly or mainly maintaining the child dies as a result of an occupational accident, personal injury or disease due to the nature of his or her employment. The weekly rate of Orphan's Pension is set out in Part 1 of Schedule 2 to the Act.

→ Death Benefit – Funeral Expenses (Section 84)

A Funeral Grant is payable in respect of a person who dies as a result of an occupational accident, personal injury or disease due to the nature of his or her employment, at the rate set out in Part 2 of Schedule 2 to the Act.

→ Medical Care (Section 86)

The cost of medical care is payable to a person who suffers from an occupational injury or disease. The amount payable is limited to the cost of medical care which is reasonable and necessary because of the occupational injury or disease, to the extent that such costs are not met under the Health Acts, the Mental Treatment Acts or Treatment Benefits under the Social Welfare Acts.

→ Taking account of benefit in assessing damages (Section 96)

Any Injury Benefit and Disablement Benefit (other than an increase in respect of constant attendance) to which an insured person is entitled during the 5 years following an accident are taken into account in assessing damages for personal injuries arising from the accident.

Under the provisions of the Civil Liability Act 1961, a person whose wrongful act, neglect or default causes the death of another person is liable for damages (for the benefit of the deceased's dependants) which may include the cost of funeral expenses. Payment of Death Benefit by way of a Funeral Grant is taken into account in assessing damages under that Act.

Occupational Injuries insurance was extended to cover members of the Garda Síochána in April, 1989. Any awards for malicious injuries under the Garda Síochána (Compensation) Acts, 1941 to 2003 are reduced by the amount of any Disablement Benefit payable in the 5 years following the injury.

In assessing compensation under the Garda Síochána (Compensation) Acts, 1941 to 2003 in respect of a person's death, account is taken of any grants made for funeral expenses under the Occupational Injuries Benefits scheme. In addition, in assessing compensation under those Acts for any medical or surgical expenses because of an injury, account may be taken of any medical care payments resulting from the injury for the 5 years following the injury.

CHAPTER 14

Carer's Benefit (Sections 99 - 107)

→ Entitlement to benefit (Sections 99 & 100)

A person is entitled to Carer's Benefit where he or she leaves the workforce to provide full-time care and attention to a person who requires it. The carer must be at least 16 years of age and:

- either live with the person receiving the care or satisfy certain conditions laid down in regulations; and
- have been engaged in full-time employment (of not less than 16 hours per week, or 32 hours in any 2 consecutive weeks) as an employed contributor for at least 8 weeks in the period of 26 weeks immediately before the commencement of the Carer's Benefit claim.

The person being cared for is regarded as requiring full-time care and attention where he or she has such a disability that he or she requires continual supervision and frequent assistance throughout the day in connection with his or her normal personal needs or continual supervision in order to avoid danger to him or herself. The nature and extent of the disability must be certified in the required manner by a doctor.

The carer may engage in employment or self-employment while in receipt of the benefit subject to limits provided for in regulations.

→ Qualifying conditions (Section 101)

In order to qualify for Carer's Benefit a person must have at least 156 paid social insurance contributions between his or her entry into insurance and the first date on which the benefit is claimed. In addition, the person must have at least:

- 39 paid contributions in the second last complete tax year before the benefit year in which Carer's Benefit is claimed or have 26 paid contributions in each of the second last and third last complete contribution years before the beginning of the benefit year in which Carer's Benefit is claimed; or
- 39 contributions paid in the 12 months before the first day on which Carer's Benefit is claimed.

→ Rate of payment (Section 102)

The weekly rate of payment is set out in Part 1 of Schedule 2 to the Act. A higher rate is payable for a carer who is caring for more than one person at any one time. An additional amount is also payable in respect of a qualified child.

→ Duration of payment (Section 103)

Carer's benefit is payable for a total of 65 weeks.

→ Medical examination (Section 104)

A care recipient must submit to any medical examination that may be required. Regulations may provide for disqualification for benefit where a person fails, without good cause, to submit to such medical examination.

→ Payment of benefit – avoidance of multiple payments (Section 105)

Only one benefit is payable in respect of the care of any one person in any one week.

Carer's Benefit is not payable:

- where the person being cared for is receiving an increase of Disablement Pension in respect of constant attendance;
- in respect of the care of a particular person for any period in which Carer's Allowance is payable in respect of that person; or
- in respect of the care of a particular person for any period in which a Prescribed Relative Allowance is payable in respect of that person.

→ Disqualification (Section 106)

Where a carer, who has been in receipt of Carer's Benefit for less than six weeks, ceases to be entitled to the benefit he or she cannot re-qualify for benefit until six weeks have elapsed.

→ Regulations (Section 107)

Regulations may provide that an employer must provide any information required in order to determine entitlement to Carer's Benefit.

CHAPTER 15

Old Age (Contributory) Pension (Sections 108 – 113)

→ Explanation of terms (Section 108)

"yearly average" is the average per contribution year of contribution weeks in respect of which the person concerned has social insurance contributions up to the end of the last complete contribution year before the person reaches pensionable age.

"alternative yearly average" is the yearly average calculated over the period beginning on 6 April 1979 and ending on the last complete contribution year before the person reaches pensionable age.

→ Entitlement to pension

A person is entitled to the Old Age (Contributory) Pension if he or she has reached 66 years (pensionable age) and satisfies the relevant social insurance contribution conditions.

→ Homemaker exemption

Where a person is a homemaker for the whole of any contribution year, since 6 April 1994, and in that year does not have any credited or voluntary contributions, that year is disregarded in determining the person's yearly average number of contributions. A maximum of 20 such years may be disregarded in calculating the yearly average for pension purposes.

Generally, a homemaker is a person who is under pensionable age, is not engaged in remunerative employment and either:

- lives with and cares for a child under 12 years of age on a full-time basis;
- lives with and provides full-time care and attention to a person who satisfies the conditions for being a care recipient in respect of which Carer's Allowance may be payable; or

- does not live with the care recipient but provides full-time care and attention to that person subject to such conditions as regulations may prescribe.

→ Qualifying conditions (Section 109)

To qualify for pension a person must have:

- become insured before he or she reaches 56 years of age;
- not less than 260 qualifying contributions where he or she will attain pensionable age on or after 6 April 2002 but before 6 April 2012 or not less than 156 contributions if a voluntary contributor on or before 6 April 1997; and
- a yearly average, or an alternative yearly average of not less than 48 social insurance contributions.

Contributions paid or credited under the National Health Insurance Acts, 1911 to 1952 may be taken into account for the purposes of satisfying the minimum number of qualifying contributions condition. Any 2 such contributions are counted as 3 and any odd contribution is counted as 2 for this purpose. Contributions paid under those Acts are not taken into account for the purposes of the yearly average condition.

In practice, when a person applies for Old Age (Contributory) Pension his or her contribution record since 1979 is examined and it is only where he or she does not have sufficient contributions since 1979 to qualify for the maximum rate of pension that the contribution record since 1953, or the date on which he or she first became insured, if later, is examined.

Where a person has a yearly average of less than 48, regulations may provide for the payment of a pension at a reduced rate. However, where the yearly average is less than 20 the person must have at least 260 qualifying contributions to qualify for pension.

A person insured for Old Age (Contributory) Pension whether as an employed or a self-employed contributor, who spent part of his or

her career paying modified insurance and who does not qualify for Old Age (Contributory) Pension because he or she does not have a yearly average of 20 paid or credited qualifying contributions may qualify for a pro-rata Old Age (Contributory) Pension if he or she:

- is not entitled to a special reduced rate Old Age (Contributory) Pension;
- is not entitled to Old Age (Contributory) Pension, under the provisions of EC Regulation 1408/71 or a Reciprocal Social Security Agreement between Ireland and another country, under which periods of insurance in another Member State of the EU or another country may be aggregated with periods of Irish insurance for the purposes of determining entitlement to pension; and
- has at least 260 paid or credited contributions or at least 208 paid contributions reckonable for Old Age (Contributory) Pension purposes since 1953 or first becoming insured, whichever is the later.

The weekly rate of pro-rata Old Age (Contributory) Pension (including any increase for a qualified adult) is based on the proportion which the number of paid or credited contributions reckonable for the purposes of Old Age (Contributory) Pension bear to the person's total number of contributions. However, any increase in respect of a qualified child to which the person is entitled, is payable at the standard rate. Additional increases are payable where the person is living alone or is over age 80.

The date of entry into insurance of a person who, having been previously insured as an employed contributor became insured as a self-employed contributor on 6 April 1988 on the introduction of the scheme of social insurance for the self-employed, may be taken as 6 April 1988 if this is more favourable to the person when calculating the yearly average of social insurance contributions.

→ Disregard of self-employment contributions in certain cases (Section 110)

A self-employed contributor who makes a claim for pension on or after 6 April 1995, will not be regarded as having satisfied the contribution conditions unless the person has paid self-employment contributions in respect of at least one contribution year (before pensionable age) and all self-employment contributions payable have been paid.

→ Rate of payment (Sections 111 & 112)

The weekly rate of Old Age (Contributory) Pension is as set out in Part 1 of Schedule 2 to the Act. An additional amount is payable in respect of a qualified adult or qualified child. There are also additional amounts payable where the person is living alone, over age 80 or ordinarily living on an island.

→ Pre-1953 pension (Section 113)

A person may be entitled to a special pension at half the maximum rate of the Old Age (Contributory) Pension, where he or she was an employed contributor under the National Health Insurance Acts 1911 to 1952, and has paid at least 260 contributions (combining both social insurance contributions and national health insurance contributions) and does not qualify for a standard rate or pro-rata pension. Any additional amounts in respect of a qualified adult or qualified child are also payable at half rate.

CHAPTER 16

Retirement Pension (Sections 114 - 117)

→ Explanation of terms

"yearly average" is the average per contribution year of contribution weeks in respect of which a person has social insurance contributions of any kind up to the end of the last complete contribution year before he or she reaches 65 years of age.

"alternative yearly average" is the yearly average calculated over the period from 6 April 1979 to the end of the last complete contribution year before a person reaches 65 years of age.

→ Entitlement to pension (Section 114)

A person is entitled to Retirement Pension for any period of retirement where he or she is over 65 years of age, if the relevant social insurance contribution conditions have been satisfied.

Regulations specify the period that is to be regarded as a period of retirement.

→ Qualifying conditions (Section 115)

The person must have:

- become insured before he or she reaches 55 years of age;
- not less than 260 qualifying contributions for persons who attain pensionable age on or after 6 April 2002 but before 6 April 2012 or not less than 156 contributions if a voluntary contributor on or before 6 April 1997; and
- a yearly average or an alternative yearly average, of not less than 48.

Where a person has a yearly average of less than 48, regulations may provide for the payment of pension at a reduced rate.

→ Contributions under the National Health Insurance Acts 1911 to 1952

Contributions paid or credited under the National Health Insurance Acts, 1911 to 1952 may be taken into account for the purposes of satisfying the minimum number of qualifying contributions condition. Any 2 such contributions are counted as 3 and any odd contribution is counted as 2 for this purpose. Contributions paid under those Acts are not taken into account for the purposes of the yearly average condition.

In practice, when a person applies for Retirement Pension his or her contribution record since 1979 is examined and if he or she does not qualify for the maximum rate of pension then the contribution record since 1953, or the date on which he or she first became insured, if later, is examined.

Where a person has a yearly average of less than 48, regulations may provide for the payment of pension at a reduced rate. However, where the yearly average is less than 24 a person must still have at least 260 qualifying social insurance contributions.

A person insured for Retirement Pension as an employed contributor, who spent part of his or her working life paying modified social insurance and who does not qualify for Retirement Pension because he or she does not have a yearly average of 24 paid or credited contributions may qualify for a pro-rata Retirement Pension if he or she:

- is not entitled to Retirement Pension, under the provisions of EC Regulation 1408/71 or a Reciprocal Social Security Agreement between Ireland and another country, under which periods of insurance in another Member State of the EU or another country may be aggregated with periods of Irish insurance for the purposes of determining entitlement to pension; and
- has at least 260 paid or credited contributions or at least 208 paid contributions reckonable for Retirement Pension purposes since 1953 or first becoming insured, whichever is the later.

The weekly rate of pro-rata Retirement Pension (including any increase for a qualified adult) is based on the proportion which the number of paid or credited contributions reckonable for the purposes of Retirement Pension bear to the person's total number of contributions.

→ Rate of payment (Sections 116 & 117)

The weekly rate of Retirement Pension is set out in Part 1 of Schedule 2 to the Act. An additional amount is payable in respect of a qualified adult or qualified child. Further amounts are payable where the beneficiary is living alone, over age 80 or ordinarily living on an island.

CHAPTER 17

Invalidity Pension (Sections 118 - 122)

→ Entitlement to pension (Section 118)

To qualify for Invalidity Pension a person must be permanently incapable of work and satisfy certain contribution conditions. The circumstances in which a person is regarded as being incapable of work are defined in regulations which specify that he or she:

- has been continuously incapable of work for a period of at least 1 year and it is shown to the satisfaction of a Deciding Officer or an Appeals Officer that he or she is likely to continue to be so incapable for at least a further year; or
- is incapable of work and it is shown to the satisfaction of a Deciding Officer or an Appeals Officer that the incapacity is of such a nature that he or she is likely to remain incapable of work.

A person is disqualified for receiving Invalidity Pension if and so long as he or she fails without good cause to observe certain rules of behaviour, such as failing to attend for medical examination if required.

→ Qualifying conditions (Section 119)

The contribution conditions are that the person must have at least:

- 260 paid contributions since first becoming insured; and
- 48 paid or credited contributions in the last complete income tax year.

→ Contributions paid under the National Health Insurance Acts 1911 to 1952 (Section 120)

Regulations may prescribe how contributions paid under the National Health Insurance Acts 1911 to 1952 by or in respect of an employed contributor may be taken into account for the purposes of entitlement to Invalidity Pension.

→ Rate of payment (Sections 121 & 122)

The weekly rate of Invalidity Pension is set out in Part 1 of Schedule 2 to the Act. This rate is increased where the person has a qualified adult or qualified child. Where the person's spouse or partner is living with the person but is not a qualified adult, increases for children are payable at half of the standard rate. Additional increases are payable where the person has reached age 66, is living alone, over age 80 or ordinarily living on an island.

CHAPTER 18

Widow's and Widower's (Contributory) Pension (Sections 123-129)

→ Explanation of terms (Section 123)

"spouse" refers only, where a widow or widower has been married more than once, to the last spouse, including circumstances where the marriage has been dissolved, being a dissolution that is recognised as valid in the State.

"yearly average" means the average per contribution year of any qualifying social insurance contribution made by the widow or widower or his or her spouse over a specified period.

→ Entitlement to pension (Section 124)

A person is entitled to a Widow or Widower's (Contributory) Pension if:

- he or she is a widow or widower, or would be but for the fact that his or her last marriage was dissolved;
- his or her spouse or his or her former spouse was entitled to Old Age (Contributory) Pension or Retirement Pension with which a qualified adult increase was payable or would have been payable but for the fact that he or she was entitled to or in receipt of Old Age (Contributory) Pension, Blind Pension or Carer's Allowance in his or her own right, in respect of a period ending at the time of his or her spouse's death; and
- either the widow or widower or his or her deceased spouse satisfy the social insurance contribution conditions.

A person is disqualified for receipt of pension if and for so long as he or she, and any other person, cohabit as husband and wife.

If a person who ceased to be a widow or widower upon remarriage, again becomes a widow or widower, he or she is entitled to the pension at the rate that would have been payable had he or she not remarried, even if:

- he or she fails to satisfy the entitlement conditions; or
- he or she satisfies those conditions but is entitled to a pension at a lower rate than that which would have been payable had he or she not remarried.

→ Qualifying conditions (Section 125)

The contribution conditions for Widow's or Widower's Pension are that:

- he or she has at least 156 paid contributions since first becoming insured up to the date on which he or she reached age 66 or the date on which his or her spouse died, if earlier; and
- if 4 years or more have elapsed since his or her entry into insurance at the time of his or her spouse's death, he or she has either:
 - » a yearly average of 39 paid or credited contributions over the 3 (or 5 if warranted by his or her insurance record) complete income tax years before reaching age 66 or the date of his or her spouse's death, if earlier; or
 - » a yearly average of 48 paid or credited contributions from when he or she first became insured to the last complete income tax year before reaching age 66 or the date of his or her spouse's death, if earlier.

If the contribution conditions are satisfied on the spouse's insurance record, then the spouse must have had at least 156 paid contributions since first becoming insured to the date on which he or she reached age 66, or died, if earlier and:

- a yearly average of 39 paid or credited contributions over the 3 (or 5 if warranted by his or her insurance record) complete income tax years before reaching age 66 or dying, if earlier; or

- a yearly average of 48 paid or credited contributions from the date he or she first became insured to the last complete income tax year before he or she reached age 66 or died, if earlier,

if 4 years or more have elapsed since his or her entry into insurance at the time of his or her death.

A widow or widower who fails to qualify for Widow's or Widower's (Contributory) Pension because he or she does not have a yearly average of 48 paid or credited contributions may qualify for a reduced rate pension if he or she has a yearly average of at least 24 paid or credited contributions based on either his or her own or his or her spouse's insurance record. The amount of pension payable varies depending on the yearly average number of contributions.

Where the spouse's insurance record is used to satisfy the contribution conditions, he or she must have a yearly average of at least 5 paid or credited contributions in the 3 (or 5 if warranted by his or her insurance record) complete income tax years before reaching age 66 or the date of his or her spouse's death, if earlier, or an average of 5 paid or credited contributions over the period from when he or she first became insured to the last complete income tax year before reaching age 66, or the date of his or her spouse's death, if earlier.

→ Rate of payment (Sections 126 & 127)

The weekly rate of Widow's and Widower's (Contributory) Pension is set out in Part 1 of Schedule 2 to the Act. The weekly rates of reduced rate and special reduced rate Widow's and Widower's (Contributory) Pension are set out in regulations. The weekly rate of pension may be increased where the widow or widower has a qualified child. This increase is payable at the standard rate regardless of whether the Widow's or Widower's (Contributory) Pension is paid at the standard rate, a reduced rate or a special reduced rate. Additional increases are payable if the widow or widower has reached age 66 is living alone, over age 80 or ordinarily living on an island.

→ Disregard of self-employment contributions in certain cases (Section 128)

The date of entry into insurance of a person who, having been previously insured as an employed contributor, became insured as a self-employed contributor on 6 April 1988 on the introduction of the scheme of social insurance for the self-employed, may be taken as 6 April 1988 if this is more favourable to the person concerned.

Contributions paid by a self-employed contributor cannot be used to establish entitlement to Widow's or Widower's (Contributory) Pension unless all contributions which the person was liable to pay have been paid. This provision may not be applied in circumstances in which the Minister considers that it would be inappropriate to do so.

CHAPTER 19

Orphan's (Contributory) Allowance (Sections 130 - 133)

→ Explanation of terms

"Orphan" means a qualified child who is:

- ordinarily living in the State other than with a parent, adoptive parent or step-parent;
- not detained in a reformatory or an industrial school;
- under age 18 (or age 22 if in full-time education, that is attending a course of full-time instruction by day at an institution of education); and
- both of whose parents are dead or one of whose parents is dead or unknown and the other parent is unknown or has abandoned and failed to provide for the child.

→ Entitlement to allowance (Section 130)

Orphan's (Contributory) Allowance is payable to a guardian in respect of an orphan where the contribution condition is satisfied. The qualifying condition for Orphan's (Contributory) Allowance is that either a parent or step-parent of the orphan must have a total of at least 26 qualifying social insurance contributions.

→ Rate of payment (Section 132)

The weekly rate of the allowance is set out in Part 1 of Schedule 2 to the Act.

→ Payment of allowance to person other than guardian (Section 133)

The Minister may direct that the allowance be paid to a person other than the guardian in whose care the orphan normally lives, or, subject to any conditions that regulations may prescribe, directly to an orphan who is at least 18 years of age and is not normally living with a guardian.

CHAPTER 20

Bereavement Grant (Sections 134 - 136)

→ Explanation of terms

For the purposes of a Bereavement Grant a **"pensioner"** is a person, who at the time of his or her death, was in receipt of one of the following payments:

- Old Age (Contributory) Pension
- Retirement Pension
- Invalidity Pension
- Widow's (Contributory) Pension
- Widower's (Contributory) Pension or
- Deserted Wife's Benefit

or would have been in receipt of one of those payments but for receipt by that person of an Old Age (Non-Contributory) Pension, a Blind Pension, a Widow's or Widower's (Non-Contributory) Pension or a Carer's Allowance at a higher rate.

"qualified adult" is a person in respect of whom an additional amount of Old Age (Contributory), Retirement or Invalidity Pension, was being paid or would have been payable but for the receipt by that qualified adult of an Old Age (Non-Contributory) or Blind Pension or a Carer's Allowance in his or her own right.

"qualified child" includes a person in respect of whom an increase in pension is payable and who:

- (a) on the date of death, is under the age of 18 years or over the age of 18 years but under 22 years and receiving full-time education; and
- (b) is ordinarily living in the State on the date of death.

→ Entitlement to grant (Section 134)

A Bereavement Grant is payable to a person on the death of any of the following persons:

- a pensioner
- a qualified adult
- a spouse of a pensioner
- a qualified child
- an orphan or
- a person to whom Orphan's (Contributory) Allowance is payable.

Bereavement Grant is also payable on the death of any of the following persons, where the relevant social insurance contributions have been satisfied:

- an insured person;
- the spouse of an insured person;
- the widow or widower of a deceased insured person; or
- a qualified child of an insured person.

Where the deceased person was a qualified child, the insurance contributions must have been made by:

- the father or mother of the deceased person;
- the person or the spouse of the person with whom the deceased person was living at the date of his or her death if he or she had not been committed to a reformatory or industrial school.

In any other cases, the contributions must have been made by the deceased person or his or her spouse.

→ Qualifying conditions (Section 135)

The qualifying conditions are that the relevant insured person must have:

- not less than 156 paid contributions since his or her entry into insurance; or
- at least 26 paid contributions since first becoming insured; and
 - » at least 39 paid, voluntary or credited contributions in the second last complete income tax year before the beginning of the benefit year in which the claim is made (known as the governing contribution year); or

- » at least 39 paid, voluntary or credited contributions for the 3 or 5 complete contribution years before the beginning of the benefit year in which the claim is made; or
- » at least 26 paid, voluntary or credited contributions since his or her entry into insurance or the contribution year beginning on 6 April 1979 (which ever is the later) and ending with the last complete income tax year before the beginning of the benefit year in which the claim is made.

Regulations may provide for modifications to the contribution conditions. In particular regulations may set out the circumstances in which a person, who was an insured person on 1 October 1970, and who was subsequently absent from the State or who has credited or voluntary contributions may be entitled to Bereavement Grant.

→ Rate of payment (Section 136)

The amount of Bereavement Grant, currently €635, is set out in Part 5 of Schedule 2 to the Act.

CHAPTER 21

Widowed Parent Grant (Section 137)

→ Entitlement to Grant

Widowed Parent Grant is payable to a widowed parent on the death of his or her spouse.

→ Widowed parent

A widowed parent is a widow or widower who has at least one qualified child who normally lives with him or her, and

- is entitled to or in receipt of Bereavement Grant, or
- is entitled to or in receipt of one of the following payments where there is an additional amount payable in respect of a qualified child:
 - » Death Benefit
 - » Widow's or Widower's (Contributory) Pension
 - » Widow's or Widower's (Contributory) Pension by virtue of EC Regulation 1408/71 or by virtue of a Reciprocal Social Security Agreement between Ireland and another country; or
 - » One-Parent Family Payment.

→ Rate of payment

The amount of grant payable is currently €2,700.

CHAPTER 22

Treatment Benefit (Section 138)

→ Entitlement to benefit

The Act contains regulatory powers to provide for Treatment Benefit. The conditions attaching to the entitlement to such benefit are set out in regulations. Under the provisions of the Act, this benefit includes:

- dental treatment;
- optical treatment and appliances;
- hearing aids; and
- any other similar benefits.

The Treatment Benefit provided for in regulations made under these provisions are:

- dental benefit, which consists of certain dental treatment such as extractions, fillings, dentures and scaling and polishing;
- optical benefit, which consists of optical treatment and glasses; and
- medical appliances benefit, which consists of contact lenses and hearing aids required on medical grounds.

In order to qualify for Treatment Benefit, the insured person must satisfy certain contribution conditions which vary depending on the person's age. Treatment Benefit is also available to a qualified adult provided that the spouse satisfies the contribution conditions. In certain instances, part of the cost of the particular benefit must be paid by the insured person.

PART 03

[illegible][illegible]

Social Assistance

CHAPTER 1

Description of Social Assistance (Section 139)

The social assistance payments are as follows:

- Blind Pension
- Carer's Allowance
- Disability Allowance
- Farm Assist
- Old Age (Non-Contributory) Pension
- One-Parent Family Payment
- Orphan's (Non-Contributory) Pension
- Pre-Retirement Allowance
- Unemployment Assistance
- Supplementary Welfare Allowance
- Widow's or Widower's (Non-Contributory) Pension
- Widowed Parent Grant (paid because of receipt of One-Parent Family Payment).

The cost of social assistance payments is met out of money provided by the *Oireachtas*.

CHAPTER 2

Unemployment Assistance (Sections 140 - 148)

→ Preliminary (Section 140)

This section provides for the definitions used in relation to Unemployment Assistance and for the continuity of qualification certificates.

→ Entitlement to assistance (Section 141)

To qualify for Unemployment Assistance a person must:

- be aged 18 or over and under age 66;
- prove unemployment in the required manner;
- be capable of and available for full-time work;
- be genuinely seeking but unable to find suitable employment having regard to the person's age, physique, education, normal occupation, place of living and family circumstances; and
- satisfy a means test.

Unemployment Assistance is payable for any day of unemployment in a continuous period of unemployment. A day of unemployment is a day, other than a Sunday, for which a person proves that he or she is unemployed and available for work and does not work for wages or other payment. Any 3 days of unemployment within a period of 6 consecutive days are treated as a continuous period of unemployment and any 2 such periods not separated by more than 1 year are treated as one continuous period of unemployment. Periods of up to one year spent participating in:

- a Community Employment Scheme;
- the Rural Social Scheme;
- certain courses provided or approved by FÁS;
- the Part-Time Job Incentive Scheme;
- the Vocational Training Opportunities (VTOS) Scheme;

- certain approved courses of education;
- or
- in receipt of Pre-Retirement Allowance,

are not taken into account for this purpose.

Unemployment Assistance is not normally payable for the first 3 days of unemployment in any continuous period of unemployment and it is not payable for part of a day, such as where the person worked for part of the day.

Unemployment Assistance is normally payable from the 4th day of unemployment. However, in the case of a person who makes a claim within 52 weeks of a previous Unemployment Assistance claim or a person who makes a claim within 12 months of having exhausted his or her entitlement to Unemployment Benefit and in the case of a person aged 65 who ceases to satisfy the contribution conditions for entitlement to Unemployment Benefit, it is payable from the 1st day of unemployment.

Unemployment Assistance is payable on the basis of a 6 day week (Sunday excluded) and the daily rate is one-sixth of the appropriate weekly rate.

→ Habitually living in State

In order to be entitled to Unemployment Assistance, a person must be habitually living in the State at the date of application for the assistance.

→ Means and rates of payment (Section 142)

The means of a person who claims Unemployment Assistance are assessed on the basis of the Rules contained in Part 2 of Schedule 3 to the Act. The assessment takes account of money, property (other than the family home) which is assessed on a notional basis and income, subject to certain exceptions, which the person or his or her spouse or partner may reasonably expect to receive during the following year. If the person's income cannot be assessed in this manner, it is assessed on the basis of the income

actually received during the previous year. The weekly rates of Unemployment Assistance are set out in Part 1 of Schedule 4 to the Act. The weekly rate of assistance may be increased where the person has a qualified adult or qualified child. Where the person's spouse or partner is living with the person but is not a qualified adult, increases for any qualified children are payable at half of the standard rate.

Unemployment Assistance is payable at the standard rate, including increases for a qualified adult or qualified child, where the person has no means. Where the person has means, the rate payable is equal to the standard rate, reduced by €1 for each €1 of means.

A minimum weekly payment of €40 applies in the case of a person who qualifies for assistance at a rate less than €40, provided that the person:

- is not one of a married couple living together or one of a cohabiting couple; and
- has no means other than those assessed under the benefit and privilege provisions.

→ Total amount payable to a couple (Section 144)

Where one of a married couple who are living together or one of a cohabiting couple qualifies for Unemployment Assistance and the spouse or partner is also in receipt of Unemployment Assistance, Farm Assist or Pre-Retirement Allowance, the total amount payable to the couple is limited to the appropriate married rate. In this instance each of the couple receives half of the appropriate married rate, that is half of the amount which would be payable if only one of the couple claimed and received an increase for the other as a qualified adult.

A similar limitation is applied in the case of one of a couple who qualifies for Unemployment Assistance where the spouse or partner is receiving either Disability, Unemployment or Injury Benefit, Disablement, Old Age (Contributory), Old Age (Non-Contributory), Retirement or Invalidity Pension. In this instance, the total amount payable to the couple is limited

to that which would be payable if whichever of the couple who receives the higher amount claimed and received an increase for the spouse or partner as a qualified adult, and the amount payable to the person on Unemployment Assistance is reduced in order to keep within the limitation.

→ Increase payable in respect of a qualified child in certain cases (Section 146)

Where the spouse of a person entitled to Unemployment Assistance is not a qualified adult an increase in Unemployment Assistance in respect of any qualified child will be payable at half rate.

→ Disqualifications (Sections 147 & 148)

There are various circumstances in which a person is disqualified for receiving Unemployment Assistance. These include:

- while the person is in an institution maintained wholly or partly out of public money or by a local authority;
- while the person is entitled to or in receipt of Unemployment Benefit. However, this disqualification does not apply where the person opts to claim Unemployment Assistance instead of Unemployment Benefit because the rate of assistance payable is higher. In this instance, the days for which he or she receives Unemployment Assistance are counted as if Unemployment Benefit had been paid on those days for the purposes of limiting entitlement to 15 months benefit;
- while the person is employed on a Community Employment or Rural Social Scheme;
- for the duration of a trade dispute if the person has lost employment because of his or her direct involvement or interest in the trade dispute which caused the stoppage of work, unless he or she has since become employed elsewhere;

- for up to 9 weeks, if the person has lost employment through his or her own misconduct or has voluntarily left employment without good cause, has refused an offer of suitable employment, has refused or failed to avail of any reasonable opportunity of training provided or approved by FÁS or has failed or neglected to avail of any reasonable opportunity of obtaining suitable employment. In this instance, the period of disqualification starts on the date on which the event which gives rise to the disqualification occurs;
- for a period of 3 months, after leaving second-level education or completing the Leaving Certificate examination, whichever is the later, and subject to certain exceptions, for so long as the person is in full-time education, including vacation periods;
- while attending a full-time day course of study, instruction or training at a school, university, an institution of higher education, institute of technology, or any other institution that is subject to the statutory higher education grant.

CHAPTER 3

Pre-Retirement Allowance (Section 149 - 151)

→ Entitlement to allowance (Section 149)

To qualify for Pre-Retirement Allowance a person must:

- not be in insurable employment;
- have reached the age of 55 and be under age 66;
- have been in receipt of an unemployment payment for at least 15 months in a continuous period of unemployment immediately before claiming the allowance;
- in the case of a separated spouse (including where marriage dissolved) not have engaged in remunerative employment or self-employment in the preceding period that may be specified by regulations;
- immediately before the week for which Pre-Retirement Allowance is claimed, have been in receipt of either One-Parent Family Payment or Carer's Allowance but have ceased to be entitled to the payment because he or she was no longer regarded as a qualified parent or a carer as the case may be; and
- satisfy a means test.

The conditions with regard to receipt of certain payments or not engaging in employment in a preceding period do not apply where a claim is made by a person in respect of a period of retirement that has not been separated by more than 52 weeks from a previous period of retirement.

In addition, where a separated spouse remarries or lives with another person as husband and wife, the allowance is no longer payable.

The provisions for assessing a person's means for the purposes of Pre-Retirement Allowance are the same as those applied in the case of Unemployment Assistance. However, when the

person does not qualify for an increase in respect of his or her spouse or partner as a qualified adult, the means are taken to be half of those assessed.

→ Rate of payment and effect of means on rate (Section 150)

The weekly rate of Pre-Retirement Allowance is set out in Part 1 of Schedule 4 to the Act. The weekly rate is increased where the person has a qualified adult or qualified child. Where the person's spouse or partner is living with the person but is not a qualified adult, increases for any qualified children are payable at half of the standard rate.

Pre-Retirement Allowance is payable at the standard rate where the weekly means of the person are €1 or less. Where the weekly means are more than €1, the rate payable is equal to the standard rate, reduced by €1 for each €1 of means in excess of €1.

Where one of a married couple who are living together or one of a cohabiting couple qualifies for Pre-Retirement Allowance and the spouse or partner is also in receipt of Pre-Retirement Allowance, Farm Assist or Unemployment Assistance, the total amount payable to the couple is limited to the appropriate married rate. In this instance each of the couple receives half of the appropriate married rate, that is half of the amount which would be payable if only one of the couple claimed and received an increase for the other as a qualified adult.

A similar limitation is applied in the case of one of a couple who qualifies for Pre-Retirement Allowance where the spouse or partner is receiving either Disability, Unemployment or Injury Benefit or Disablement, Old Age (Contributory), Old Age (Non-Contributory), Retirement or Invalidity Pension. In this instance, the total amount payable to the couple is limited to that which would be payable if whichever of the couple has the higher entitlement claimed and received an increase for the spouse or partner as a qualified adult, and the amount payable to the person on Pre-Retirement Allowance is reduced in order to keep within the limitation.

→ Regulations (Section 151)

The Minister may specify by regulations the qualifying age, the period that is to be regarded as a period of retirement and the circumstances in which a person is regarded as a separated spouse for the purpose of Pre-Retirement Allowance.

CHAPTER 4

Old Age (Non-Contributory) Pension (Sections 152 - 160)

→ Entitlement to pension (Section 153)

Every person who satisfies the qualifying conditions for the receipt of an Old Age (Non-Contributory) Pension is entitled to receive the pension so long as the person continues to satisfy those conditions and is not otherwise disqualified for receiving payment.

→ Qualifying conditions (Sections 154 & 155)

A person is entitled to Old Age (Non-Contributory) Pension where:

- he or she is over pensionable age (66 years); and
- satisfies a means test.

In addition, a person may be paid the Old Age (Non-Contributory) Pension where he or she is receiving or entitled to a Widow's or Widower's (Contributory) Pension or Old Age (Contributory) Pension or is a person in respect of whom an additional amount of Old Age (Contributory) Pension is payable, due to his or her being a qualified adult for any period in which the rate of Old Age (Non-Contributory) Pension payable would be greater than the other payment.

→ Habitually living in State

A person must be habitually living in the State to qualify for Old Age (Non-Contributory) Pension.

→ Rate of payment and effect of means on rate (Sections 156-158)

The means of a person who claims Old Age (Non-Contributory) Pension are assessed on the basis of the Rules contained in Part 3 of Schedule 3 to the Act. The assessment takes account of money, property (other than the family home) which is assessed on a notional basis and income, subject to certain exceptions, which the person or his or her spouse or partner may reasonably expect to receive in the following year. If the person's income cannot be assessed in this manner, it is assessed on the basis of the income actually received in the previous year.

In assessing the means of one of a married couple living together or a cohabiting couple, the person is assessed with half of the joint means of the couple. In the case of a separated couple, any maintenance paid by the person to his or her spouse under a separation order is deducted in calculating means.

The weekly rate of pension is set out at Part 1 of Schedule 4. Weekly means under €7.60 do not affect the rate of pension but for every €2.50 of means over €7.60 (including fractions) the rate payable is reduced by €2.50.

An increase may be payable for a qualified child who normally lives with the person. An additional amount may be payable where the person is living with, or wholly or mainly maintaining his or her spouse. This is not payable where the spouse is receiving:

- any social assistance or social insurance payment;
- an allowance under the Vocational Training Opportunities Scheme; or
- an allowance under the Back to Education Allowance, the Back to Work Allowance, the Back to Work Enterprise Allowance, or the Part-Time Job Incentive schemes.

Further allowances may be payable where the person is living alone, over age 80 or ordinarily living on an island and these are also set out at Part 1 of Schedule 4.

→ Persons in receipt of Farm Assist (Section 159)

Where a person has been in receipt of Farm Assist immediately before becoming entitled to the Old Age (Non-Contributory) Pension, he or she is entitled to the pension at the rate of Farm Assist which had been then payable to him or her, if that is higher than the rate of pension he or she would be entitled to.

→ Disqualification (Section 160)

A person is disqualified for receipt of the Old Age (Non-Contributory) Pension where he or she is receiving Old Age (Contributory) Pension, Widow's or Widower's (Contributory) Pension, or another person is receiving an additional amount of Old Age (Contributory) Pension in respect of him or her, as a qualified adult.

CHAPTER 5

Blind Pension (Section 161)

→ Entitlement to Pension

A Blind Pension is payable to a person aged 18 or over who would be entitled to Old Age (Non-Contributory) Pension but for the fact that he or she is under age 66 and he or she is blind and unable to work or continue to work. Blind Pension is payable at the same rate as Old Age (Non-Contributory) Pension but a lower rate is payable where a person has not reached pensionable age. The provisions for the assessment of means are largely the same as those applying in the case of Old Age (Non-Contributory) Pension but there is an additional disregard of earnings from rehabilitative employment or self-employment for the person and a qualified adult.

→ Rate of payment

The weekly rate of Blind Pension is as set out in Part 1 of Schedule 4 to the Act.

The additional amount payable for a spouse differs from that applicable to the Old Age (Non-Contributory) Pension in that the rate varies according to the following categories:

- the person and his or her spouse are both over the pensionable age (Part 2 of Schedule 4 to the Act);
- neither the person and his or her spouse are over the pensionable age (Part 3 of Schedule 4 to the Act);
- the person is not over pensionable age but his or her spouse is over that age (Part 4 of Schedule 4 to the Act); and
- the person is over pensionable age but his or her spouse is not over that age (Part 5 of Schedule 4 to the Act).

A person to whom a Blind Pension is payable cannot also be a qualified child for the purposes of the Act.

CHAPTER 6

Widow's, Widower's and Orphan's (Non-Contributory) Pensions (Sections 162 - 171)

→ Explanation of terms (Section 162)

"widow" and "widower" include a woman or man, who would be a widow or widower but for the fact that his or her marriage was dissolved, being a dissolution that is recognised as valid in the State.

"means" are means as calculated in accordance with the rules in Part 3 of Schedule 3 to the Act.

→ Entitlement to pension (Section 163)

A widow or widower is entitled to Widow's or Widower's (Non-Contributory) Pension for so long as he or she remains a widow or widower.

→ Habitually living in State

A person must be habitually living in the State at the date of making the application for pension.

→ Rate of payment and effect of means on rate (Sections 164 & 165)

The means of a person who claims Widow's or Widower's (Non-Contributory) Pension are assessed on the basis of the Rules contained in Part 3 of Schedule 3 to the Act. The assessment takes account of money, property (other than the family home) which is assessed on a notional basis, and income which the person may reasonably expect to receive in the following year. If the person's income cannot be assessed in this manner, it is assessed on the basis of the income received in the previous year.

The weekly rate of pension is set out at Part 1 of Schedule 4 to the Act. Weekly means under €7.60 do not affect the rate of pension but for every €2.50 of means over €7.60 the rate payable is reduced by €2.50.

Additional amounts may be payable where the person is living alone, over age 80 or ordinarily living on an island and these are also set out at Part 1 of Schedule 4.

→ Disqualification (Section 166)

A widow or widower is disqualified for receipt of the Widow's or Widower's (Non-Contributory) Pension if and for so long as he or she lives with another person as husband and wife.

→ Avoidance of double pension (Section 167)

Where a widow or widower would satisfy the qualifying conditions for both contributory and non-contributory pension, the contributory pension is paid to him or her other than in circumstances set out in regulations in which the non-contributory pension may be payable.

→ Orphan's (Non-Contributory) Pension (Sections 168 - 171)

→ Explanation of terms

"orphan" means a qualified child who is:

- ordinarily living in the State other than with a parent, adoptive parent or step-parent;
- not detained in a reformatory or an industrial school;
- under age 18 (or age 22 if in full-time education, that is attending a course of full-time instruction by day at an institution of education); and
- both of whose parents are dead or one of whose parents is dead or unknown and the other parent is unknown or has abandoned and failed to provide for the child.

"guardian" means the person with whom the orphan normally lives.

→ Entitlement to Orphan's (Non-Contributory) Pension (Section 168)

Orphan's (Non-Contributory) Pension is payable to a guardian in respect of an orphan where a means test is satisfied. The provisions for the assessment of means are the same as those applying in the case of Widow's or Widower's (Non-Contributory) Pension.

Orphan's (Non-Contributory) Pension is not payable where an increase for a qualified child on Widow's or Widower's (Contributory) Pension or One-Parent Family Payment is in payment in respect of that child.

Orphan's (Non-Contributory) Pension is not payable for of any period during which a payment is made in respect of an orphan under statutory schemes concerning placement of children in foster care or placement with relatives.

→ Habitually living in State

A person is not entitled to Orphan's (Non-Contributory) Pension unless he or she is habitually living in the State at the date of making the application for pension.

→ Rate of payment and effect of means on rate (Section 169)

The weekly rate of pension is set out at Part 1 of Schedule 4 to the Act. Weekly means under €7.60 do not affect the rate of pension but for each amount of up to €2.50 of means over €7.60 the rate payable is reduced by €2.50.

Payment of pension (Section 171)

The Minister may direct that Orphan's (Non-Contributory) Pension be paid to a person other than the guardian, or subject to any conditions that regulations may prescribe, directly to an orphan who is at least 18 years of age and is not normally living with a guardian.

CHAPTER 7

One-Parent Family Payment (Sections 172 - 178)

→ Entitlement to payment (Sections 172 & 173)

The One-Parent Family Payment is payable to a qualified parent who satisfies a means test.

A "qualified parent" is:

- a widow or widower;
- a person separated or divorced from his or her spouse or whose marriage has been annulled;
- an unmarried person; or
- a person whose spouse has been sent to prison or place of detention for at least 6 months

who has at least one qualified child normally living with him or her.

Where a person ceases to be a qualified parent the entitlement to the payment ceases.

→ Habitually living in State

A qualified parent must be habitually living in the State at the time of making application for the payment.

→ Rate of payment and effect of means on rate (Section 174)

The One-Parent Family Payment is not payable to a qualified parent whose gross weekly earnings exceed a weekly amount, currently €293.

Regulations may provide for retention by a qualified parent of 50% of his or her payment (subject to certain conditions) where the parent has been in receipt of the payment for 52 consecutive weeks and is no longer entitled to One-Parent Family Payment because his or her earnings exceed the €293 limit.

The rate of payment is set out in Part 1 of Schedule 4 to the Act. Weekly means under €7.60 do not affect the rate of payment but for every €2.50 of means over €7.60 (including fractions) the rate payable is reduced by €2.50.

An additional amount is payable in respect of each qualified child who normally lives with the qualified parent. There are also additional payments where the qualified parent is over age 80 or is ordinarily living on an island.

→ Disqualification (Section 175)

A qualified parent is disqualified for the receipt of the One-Parent Family Payment if and for so long as he or she and another person live together as husband and wife.

→ Continued payment where spouse released from prison or place of detention (Section 176)

In the case of a qualified parent who was in receipt of payment because his or her spouse was in prison or detained, payment will continue for 4 weeks after the release of his or her spouse.

→ Transitional provisions – relevant payments (Section 178)

The Social Welfare Act 1996 provided for the introduction of the One-Parent Family Payment, which subsumed the variety of schemes for persons rearing children alone, including the Deserted Wife's Benefit, Deserted Wife's Allowance and Prisoner's Wife's Allowance schemes. This section provides for the on-going payment of Deserted Wife's Benefit or Allowance and Prisoner's Wife's Allowance to certain persons for as long as they continue to be entitled to one of those particular payments.

CHAPTER 8

Carer's Allowance (Sections 179 - 186)

→ Entitlement to allowance

Carer's Allowance is payable to a carer who provides full-time care and attention to a person who requires such care and attention. The carer must also satisfy a means test.

A "Carer" is a person who:

- lives with and provides full-time care and attention to a person who requires full-time care and attention; or
- subject to the conditions and in the circumstances that the Minister may prescribe in regulations, does not live with but provides full-time care and attention to such a person.

The person receiving the care must be over 16 years or, if under that age, be a person in respect of whom an allowance is paid for domiciliary care of children under the Health Act 1970.

A person is to be regarded as requiring full-time care and attention where:

- he or she has such a disability that he or she requires from another person
 - » continual supervision and frequent assistance throughout the day in connection with normal personal needs, or
 - » continual supervision in order to avoid danger to himself or herself;
- the disability is such that he or she is likely to require full-time care and attention for at least 12 consecutive months; and
- the nature and extent of the person's disability has been certified by a doctor.

Regulations may specify the circumstances in which a person is considered to be providing full-time care and attention.

→ Habitually living in State

The carer must be habitually living in the State at the date of making application for the allowance.

→ Rate of payment and effect of means on rate (Section 181)

There is a weekly rate for a carer who is caring for one person and a higher rate for a carer who is caring for more than one person. These rates are set out in Part 1 of Schedule 4 to the Act.

Weekly means under €7.60 do not affect the rate of pension but for each amount of up to €2.50 of means over €7.60 (including fractions) the rate payable is reduced by €2.50.

Additional amounts are payable for a qualified child who normally lives with the carer, where the carer is over pensionable age or ordinarily living on an island. The additional payment in respect of a qualified child is payable at half rate where the child normally lives with both the carer and the carer's spouse.

→ Avoidance of double payment (Section 182)

Only one payment, either Carer's Allowance or Carer's Benefit, is payable in any one week in respect of the care of any one person.

→ Medical examination (Section 185)

A care recipient must submit to any medical examination that may be required. Regulations may provide for disqualification for Carer's Allowance where such person fails, without good cause, to submit to such medical examination.

CHAPTER 9

Supplementary Welfare Allowance (Sections 187 - 208)

→ Explanation of terms (Sections 187 & 188)

"qualified adult" means:

- the spouse of the beneficiary of Supplementary Welfare Allowance who is being wholly or mainly maintained by him or her; or
- a person over the age of 16 years being wholly or mainly maintained by the beneficiary and having the care of one or more qualified children who normally live with the beneficiary where the beneficiary is
 - » a single person,
 - » a widow or widower, or
 - » a married person who is not living with and is neither wholly nor mainly maintaining, nor being wholly or mainly maintained by, the married person's spouse.

"qualified child" is any child (not being a qualified adult) who is dependant on the person for support and

- in the case of a person who has been in receipt of Supplementary Welfare Allowance for at least 26 weeks or has been entitled to or in receipt of the allowance and another social welfare payment for at least 156 days:
 - » is under 18 years of age,
 - » is over 18 but under 22 years of age and receiving full-time education; or
 - » is over 18 years of age but within 3 months of having completed the Leaving Certificate examination or second level education, whichever occurs later.

A qualified child who reaches 18 years while attending a full-time day course of study, instruction or training at a school, university,

an institution of higher education, institute of technology, or any other institution that is subject to the statutory higher education grant, continues to be regarded as a qualified child until the course is completed or the following 30 June, whichever occurs first.

→ Entitlement to allowance (Section 189)

Every person in the State whose means are insufficient to meet his or her needs and the needs of his or her qualified adult or any qualified children is entitled to Supplementary Welfare Allowance.

→ Disqualifications (Sections 190 - 193)

A person is not entitled to receive Supplementary Welfare Allowance while attending a full-time day course of study, instruction or training at a school, university, an institution of higher education, institute of technology, or any other institution that is subject to the statutory higher education grant, other than in exceptional circumstances.

A person is not entitled to Supplementary Welfare Allowance in relation to any period during which he or she is engaged in full-time paid work. This does not apply to a person whose earning power is, by reason of any physical or mental disability, substantially reduced in comparison with other persons engaged in similar work.

A person who has lost employment because of his or her participation or direct interest in a trade dispute which caused a stoppage of work is not entitled to Supplementary Welfare Allowance, except in respect of his or her qualified adult or children, for the duration of the trade dispute unless he or she becomes employed elsewhere.

→ Habitually living in State

A person is not entitled to Supplementary Welfare Allowance unless he or she is habitually living in the State at the date of the application for the allowance.

→ Administration (Section 194)

Subject to the general direction of the Minister, the Health Service Executive is responsible for administering the Supplementary Welfare Allowance scheme.

→ Qualifying conditions (Section 195)

The Health Service Executive may determine that a person is not entitled to Supplementary Welfare Allowance unless he or she:

- is registered for employment;
- proves unemployment as required; and
- makes application for any statutory or other benefits or assistance to which the person may be entitled.

→ Rate of payment and effect of means on rate (Sections 196 & 197)

The rate of Supplementary Welfare Allowance payable is the amount by which a person's means fall short of his or her needs. For this purpose, the weekly needs of a person who has no means, is taken to be the amount set out at Part 1 of Schedule 4 to the Act. The weekly needs of a person who has means is the amount appropriate to a person of no means reduced by €1 for every €1 of weekly means.

In the case of a married couple living together or a cohabiting couple, the needs and means of the couple are aggregated and only one of the couple is entitled to claim Supplementary Welfare Allowance on behalf of the household. Whichever of the couple claims the allowance is entitled to an increase in respect of the spouse or partner (if the spouse or partner is a qualified adult) and in respect of any qualified children.

For the purposes of Supplementary Welfare Allowance, the weekly means of a person or a couple are assessed in accordance with the rules contained in Part 4 of Schedule 3 to the Act.

→ Weekly or monthly supplements (Section 198)

The Health Service Executive may pay a supplement to a person whose means are insufficient to meet his or her needs. A supplement may be paid for:

- rent; or
- mortgage interest repayments.

The amount of any supplement depends on the person's circumstances.

Regulations may provide for the payment of supplements for other circumstances, for example special dietary requirements.

Regulations may provide for the conditions under which the payment of a supplement towards the amount of rent payable by a person may be made. A person is not entitled to rent supplement where he or she:

- is not lawfully in the State;
- is not entitled to live in the State; or
- or his or her spouse is engaged in full-time work.

Regulations may also provide for the conditions under which the payment of a supplement may be made towards the amount of mortgage interest payable by a person in respect of his or her home.

A person is not entitled to a mortgage interest supplement where he or she, or his or her spouse, is engaged in full-time paid work.

→ Disqualifications (Section 199)

The Health Service Executive may determine that in any of the following circumstances rent or mortgage interest supplement is not payable, or may terminate or suspend such payment to a person:

- who has been required to give up possession of a dwelling provided by a housing authority where the reasons include anti-social behaviour or the interests of good estate management;
- to whom a letting has been refused or

- deferred by a housing authority or due to the person refusing to give information that the housing authority considers necessary;
- who is the subject of an excluding order (including an interim order) from a dwelling let by a housing authority, for reasons including anti-social behaviour;
- other than a tenant, who has been directed by a member of An Garda Síochána to leave a house let by a housing authority and which he or she is occupying.

→ Arrangements for burials (Section 206)

The Health Service Executive may provide for the burial of a person where suitable arrangements have not been made. Where appropriate, it may recover the costs involved from the person's estate or from a person who was liable to maintain the deceased person immediately before his or her death.

→ Allowances in kind (Section 200)

In exceptional circumstances, the Health Service Executive may determine that goods or services be provided to a person where it considers that the needs of the person can best be met by providing goods or services instead of a payment.

→ Single payment for exceptional need (Section 201)

The Health Service Executive may, in any case where it considers it reasonable having regard to all the circumstances, determine that Supplementary Welfare Allowance be paid to a person by way of a single payment to meet an exceptional need.

→ Grant of Supplementary Welfare Allowance in case of urgency (Section 202)

In cases of urgent need the Health Services Executive may pay Supplementary Welfare Allowance to a person who would not normally be entitled to such a payment. In such cases, the amount or type of allowance to be paid is not limited by the entitlement conditions for grant of the allowance, where such is considered inappropriate in the circumstances of the case. Where such an allowance is paid to a person who is engaged in full-time paid work, the Health Service Executive may decide that some or all of the allowance is recoverable from the person at a later date.

CHAPTER 10

Disability Allowance (Sections 209 – 212)

→ Entitlement to allowance

Disability Allowance is a means-tested weekly payment payable to persons who are:

- aged between 16 and 66 years;
- substantially limited in undertaking employment because of a disability; and
- habitually living in the State.

Means are assessed on the basis of the rules contained in Part 2 of Schedule 3 to the Act.

Disability Allowance is not normally payable where a person is living in an institution where the cost of care and maintenance is being met, wholly or partly, by the Health Service Executive. There are, however, some exceptions, for example, payment may be made where the person lives temporarily outside an institution, or in the case of a person who has an existing entitlement, and he or she moves to hospital or institutional care after 1 August 1999, payment of the allowance will continue as long as the qualifying conditions are satisfied.

→ Rate of payment

An allowance, the "Disability Allowance Personal Expenses Rate" of up to €35 per week is payable to a person who would be entitled to Disability Allowance but for the fact that the person lives in an institution and does not qualify for the allowance under the exceptions already mentioned.

The weekly rate of Disability Allowance is set out in Part 1 of Schedule 4. Where appropriate, the weekly rate of Disability Allowance may be increased by payments for a qualified adult and qualified children.

→ Disqualifications

Regulations may provide for a person to be disqualified for Disability Allowance if he or she fails without good cause to attend for a medical examination or to observe any rules of behaviour.

CHAPTER 11

Farm Assist (Sections 213 – 218)

→ Explanation of terms

"farming" is defined as farming land in the State, including commonage which:

- is owned and used by a person for the purposes of husbandry;
- is leased and used by a person for that purpose; or
- does not form part of a larger holding and is used for the purposes of husbandry.

"farmer" means a person engaged in farming.

"husbandry" is defined as working the land to extract the traditional produce, which includes the cultivation of crops or trees, and the keeping of livestock and poultry.

Farm Assist is a means-tested weekly payment to low-income farmers. The qualifying conditions require the person to:

- be aged between 18 and 66 years;
- be engaged in farming; and
- satisfy a means test.

Means are assessed on the basis of rules contained in Part 2 of Schedule 3 to the Act.

→ Rate of payment

The weekly rate of Farm Assist is set out in Part 1 of Schedule 4. Where appropriate, the weekly rate of Farm Assist may be increased by payments for a qualified adult and qualified children.

→ Disqualifications

Farm Assist is not payable to a person who is attending a full-time course of study or participating in certain employment schemes such as Back to Work Allowance, Community Employment or the Rural Social Scheme.

PART 04

[illegible][illegible]

Child Benefit

Child Benefit (Sections 219-223)

→ Entitlement

Child Benefit is a monthly payment made for a qualified child. Payment is not subject to a means test or social insurance contribution conditions. In general, payment is made to the person with whom the child normally lives.

For the purposes of Child Benefit, a qualified child is a child who is:

- under the age of 16, or under the age of 19 if in full-time education or if he or she has a mental or physical disability;
- ordinarily living in the State; and
- not detained in a reformatory, industrial school or in legal custody.

The requirement that the child be ordinarily living in the State does not apply where a child is living with a person in the Defence Forces or the Civil Service who is serving abroad. Under the provisions of EU legislation, Child Benefit is payable where a child lives with a person who is working abroad and paying social insurance contributions under the Act.

Child Benefit is paid to a qualified person. A qualified person is the person, subject to conditions defined in regulations, with whom that child normally lives. Generally, a qualified person must be habitually living in the State on the date of making an application for Child Benefit.

→ Rates of payment

The monthly rates of Child Benefit are set out in Part 6 of Schedule 4 to the Act. A standard rate is payable for each of the first 2 children and a higher rate is payable for any additional children.

The monthly rate of Child Benefit is payable at 150% for each child of a twin birth, and doubled for each child of multiple births of triplets or more, for as long as benefit is payable in respect of at least 2 in the case of twins, or 3 of the children in the case of triplets or a higher multiple.

A special grant of €635 is payable on the 4th and 12th birthday of the last-born of the children of a multiple birth.

PART 05

Respite Care Grant



Respite Care Grant

Respite Care Grant (Sections 224-226)

→ Entitlement

Respite Care Grant is an annual payment of €1,000 made to those caring for certain persons in need of full-time care and attention. A person is regarded as needing full-time care and attention where he or she needs continual supervision and frequent assistance of another person throughout the day in connection with normal personal needs and to avoid danger to the person. The nature and extent of the care recipient's needs must be certified by a doctor.

The Respite Care Grant is not means-tested, but is subject to a number of conditions. These conditions require that the carer is over age 16 years, is ordinarily living in the State, and is:

- in receipt of or entitled to Carer's Benefit or Carer's Allowance; or
- a person for whom a Prescribed Relative Allowance is payable; or
- providing full-time care and attention given to a person receiving constant attendance allowance; or
- lives with and is providing full-time care and attention to a person; or
- does not live with a care recipient, but satisfies the conditions for which are contained in regulations.

The carer must also satisfy certain other conditions set down in regulations, including that care is being or will be provided for a six month period and, the first Thursday in June of any year must form part of this period.

The carer may engage in employment or self-employment subject to the conditions specified in regulations. The grant is not payable where

the carer is entitled to or in receipt of Unemployment Benefit or Unemployment Assistance or signing for social insurance credits in respect of unemployment.

→ Disqualifications

The grant is not payable for a person who lives in a hospital, convalescent home or other similar institution. The grant is not payable where a carer receives Domiciliary Care Allowance (other than where paid with Carer's Allowance or Carer's Benefit). In addition, the grant is not payable where a care recipient fails, without good cause, to submit himself or herself for a medical examination in accordance with conditions set out in regulations.

PART 06

[illegible][illegible]

Family Income Supplement

Family Income Supplement (Sections 227 – 233)

→ Entitlement

For the purposes of Family Income Supplement, a family is defined as:

- a person in paid full-time employment as an employee;
- the person's spouse where the person is married and, if the couple are living together or if the person is wholly or mainly maintaining his or her spouse;
- the person's partner in the case of a cohabiting couple; and
- a child or children.

Family Income Supplement is a weekly payment for people in low-paid employment who have at least one child. The supplement is payable to a family where the weekly family income is less than a set amount, which varies depending on the family size. The amounts currently range from €446 per week in the case of a family with 1 child to €623 in the case of a family which includes 8 or more children.

→ Rate of payment

Family Income Supplement is payable at the rate of 60% of the difference between the person's weekly income and the income limit appropriate to his or her family size.

→ Duration of payment

The rate of Family Income Supplement is fixed for a period of one year and the supplement continues to be payable at this rate, provided that the person continues to be employed, irrespective of any other change in circumstances which occurs during this period.

Family Income Supplement is payable to whichever of the couple is in employment and where they are both employed, the supplement is payable to whichever of the couple has the higher earnings.

PART 07

Continued Payment for Qualified Children

Continued Payment for Qualified Children

Continued Payment for Qualified Children (Sections 234 – 238)

→ Entitlement

This scheme provides for payment of qualified child increases to be continued, for up to 13 weeks, to persons who commence employment, having been in receipt of a social welfare unemployment payment. To qualify for payment, a person must, immediately before commencing full-time employment, have been:

- in receipt of Unemployment Benefit or Unemployment Assistance, or a combination of those payments for at least one year, or participating in a Community Employment scheme; and
- in receipt of a qualified child increase at the full rate.

→ Rate of payment

Payment is made at the qualified child rate which was in payment during the course of the person's claim, and is not affected by any change in the family circumstances during the 13 week payment period.

→ Disqualification

Continued Child Payment and Family Income Supplement are not payable together or for the same period.

PART 08

[illegible]

EU Payments

EU Payments (Section 239)

→ Entitlement to Island Allowance

Island Allowance is a payment made in recognition of the additional expense of living off the mainland, to recipients of certain social welfare payments who are aged over 66 years or who are under 66 years of age and in receipt of Invalidity Pension, Disability Allowance or Unemployability Supplement.

The relevant islands are listed in regulations. Island Allowance is also payable to a person living on one of those islands, where he or she receives a payment from another EU Member State which is similar to any of the social welfare payments with which the allowance is payable. The relevant payments are:

- Death Benefit to a widow, widower or parent under the Occupational Injuries Benefits scheme
- Old Age (Contributory) Pension
- Pre-1953 Pension
- Retirement Pension
- Widow's or Widower's (Contributory) Pension
- Old Age (Non-Contributory) Pension
- Widow's or Widower's (Non-Contributory) Pension
- One-Parent Family Payment
- Unemployability Supplement under the Occupational Injuries Benefit scheme
- Invalidity Pension, and
- Disability allowance.

PART 09

General Provisions Relating to Social Insurance, Social Assistance and Insurability



General Provisions Relating to Social Insurance, Social Assistance and Insurability

General Provisions relating to Social Insurance, Social Assistance and Insurability (Sections 240 – 246)

→ Preliminary (Section 240)

For the purposes of the provisions dealing with claims and payments contained in Part 9 of the Act, "**benefit**" is defined as meaning:

- any benefit where entitlement is based on social insurance contributions;
- any assistance where entitlement is based on a means-test;
- Child Benefit;
- Respite Care Grant;
- Family Income Supplement;
- Continued Payment for Qualified Children; and
- EU payments - Island Allowance.

CHAPTER 1

Claims and Payments (Sections 241 – 246)

→ Claims (Section 241)

It is a condition of a person's right to any payment that he or she claims it in the manner set out in regulations. Where a person does not claim within the specified time limit, he or she will be disqualified for payment for any period:

- more than 12 months before the date the claim is made for Old Age (Contributory) Pension, Retirement Pension, Widow's and Widower's (Contributory) Pension and Orphan's (Contributory) Allowance;
- more than 6 months before the date on which the claim is made for Invalidity Pension;
- before the date on which the claim is made for Unemployment Benefit, Health and Safety Benefit, Occupational Injuries Benefit, Carer's Benefit, Bereavement Grant, Widowed Parent Grant, Unemployment Assistance, Pre-Retirement Allowance, Old Age (Non-Contributory) Pension, Blind Pension, Widow's and Widower's (Non-Contributory) Pension, One-Parent Family Payment, Carer's Allowance, Farm Assist, and Family Income Supplement;
- more than 7 days before the date on which the claim is made for Disability Benefit or Disability Allowance;
- before the beginning of the week in which the claim is made for Maternity Benefit, if it is made before the end of the week the baby is due, or for a period of six weeks if the claim is made after the week the baby is due; and
- more than 3 months before the claim is made for payments made under the

Occupational Injuries Benefit scheme, such as Disablement Benefit, Death Benefit, Unemployability Supplement, Constant Attendance Allowance or Death Benefit for a widow, widower, parents or orphan.

In some instances, payment may be made for a limited period before the date on which the claim is made where the person can prove that:

- apart from satisfying the condition of having to make a claim, he or she satisfied the conditions for entitlement for the particular payment on a date before the claim was made; and
- throughout the period from the date on which the conditions for entitlement were satisfied to the date on which the claim was made, there was a good reason for the delay in making the claim.

In these circumstances, payment will not be made for any period prior to 6 months before the date on which the claim was made.

Where a Deciding Officer is satisfied with the reasons for submitting a late claim in relation to Child Benefit, arrears may be paid to the date that the applicant first became a qualified person.

Where a person fails to make a claim for a Continued Payment for Qualified Children within the time prescribed by regulations, he or she will be disqualified for receipt of the payment.

→ Payments (Section 242)

The Minister may make regulations providing for:

- the time and the manner in which payments are to be made;
- the information and evidence to be provided by a person applying for payment; and
- certain payments to be made through An Post.

These regulations may also provide for disallowing payment if it is not obtained within a period of 6 months, for example, if a cheque is not cashed within this period. Regulations made may provide for different types of payments to be made on different days of the week.

→ Loss of Purchasing Power (Section 243)

Regulations provide for payment to be made to a person for loss of purchasing power where the processing of any claim is delayed for a period of more than twelve months, and that delay is solely or mainly due to circumstances within the control of the Department of Social and Family Affairs. The regulations also provide for compensation for incidental costs incurred by the person, subject to specified minimum and maximum amounts.

→ Payment to an agent (Section 244)

Regulations may provide for part or all of a payment to be made to someone other than the person entitled to the payment by allowing:

- nomination by a person of someone else to receive payment on his or her behalf;
- the appointment of another person to receive and deal with a payment on behalf of a person who is under age 16 or who is unable to act on his or her own behalf;
- the appointment of a person to receive and deal with the personal rate portion of the payment;
- appointment of a person to receive and deal with any increases payable for a qualified adult or qualified children; and
- enabling a claim to be made on behalf of a person who has died.

→ Statutory declarations (Section 245)

Regulations may provide for the verification of any statement made by a person by statutory declaration.

→ Habitual residence (Section 246)

For the purposes of the Act the Common Travel Area comprises the State, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man.

In order to qualify for any of the payments listed below, all applicants, regardless of nationality, must satisfy the qualifying conditions of the scheme, and be habitually living in the State:

- Unemployment Assistance
- Old Age (Non-Contributory) Pension
- Blind Pension
- Widow's and Widower's (Non-Contributory) Pension
- Orphan's (Non-Contributory) Pension
- One-Parent Family Payment
- Carer's Allowance
- Disability Allowance
- Supplementary Welfare Allowance, and
- Child Benefit.

CHAPTER 2

Provisions Relating to Entitlement (Sections 247 – 249)

→ Overlapping payments (Section 247)

Where a person satisfies the conditions of more than one of the following payments for the same period, only one may be paid:

- a social insurance payment (other than funeral expenses under the Occupational Injuries Benefit scheme, a Bereavement Grant or a Widowed Parent Grant);
- a social assistance payment (other than Supplementary Welfare Allowance or a Widowed Parent Grant); or
- Infectious Diseases Maintenance Allowance.

Where a person is entitled to any of the above-mentioned payments and an increase in any of those payments is also payable in respect of that person as a qualified adult or a qualified child for the same period, only one such payment or increase is payable. The Minister may make regulations providing that more than one payment may be made to or in respect of a person for the same period and the regulations may provide for one of the payments to be paid at less than the standard rate.

Family Income Supplement is not payable to a person who is receiving Unemployment Benefit, Retirement Pension, Unemployment Assistance or Pre-Retirement Allowance. Family Income Supplement is not payable with Disability Benefit for a period of more than 6 weeks.

Where a continued payment is made for a qualified child, a qualified child increase is not payable simultaneously in respect of that child for any other benefit or assistance payment.

Either Bereavement Grant or Death Benefit Funeral Grant, but not both, will be payable in respect of the death of a person.

The Minister may make regulations for treating any payment made to or in respect of a person, which it is subsequently decided was not payable, as having been paid on account of any other payment to which the person becomes entitled for the same period.

→ Payments After Death (Section 248)

For the purposes of the provisions for payments to be made after the death of a person, "benefit" is defined as:

- Disability Benefit
- Unemployment Benefit
- Injury Benefit
- Carer's Benefit
- Old Age (Contributory) Pension
- Retirement Pension
- Invalidity Pension
- Unemployment Assistance
- Old Age (Non-Contributory) Pension
- Blind Pension
- Unemployability Supplement
- Supplementary Welfare Allowance
- Pre-Retirement Allowance
- Disability Allowance
- Farm Assist
- Widow's and Widower's (Contributory) Pension
- One-Parent Family Payment
- Death Benefit by way of widow's or widower's pension under the Occupational Injuries Benefits scheme, and
- Carer's Allowance.

Subject to certain conditions, where a person receiving a benefit dies, the payment may continue for a period of six weeks after the date of death. This also applies on the death of a person for whom a qualified adult or qualified child increase was in payment. In addition, if a benefit would have included a qualified adult increase but for the fact that the person's spouse was receiving one of the benefits in his or her

own right, the payment continues to be payable to the person's spouse for a period of 6 weeks after the date of death.

The six weeks' payment arrangement also applies to:

- One-Parent Family Payment where there is one qualified child, in respect of the death of that child; and
- Carer's Benefit and Carer's Allowance, where the person being cared for was not the carer's spouse.

Entitlement to Child Benefit ceases from the end of the month of the death of a child, and no after death payment is made.

→ Absence from the State or imprisonment (Section 249)

A person is disqualified for any social insurance payment (including any increases) while he or she is absent from the State or is undergoing imprisonment or detention in legal custody. Similarly, an increase for a spouse or partner is not payable for any period during which the spouse or partner is absent from the State or is undergoing imprisonment or detention in legal custody.

However, regulations may provide for payment, subject to specified conditions, restrictions and limits, of Bereavement Grant, Invalidity Pension, Retirement Pension and Widowed Parent Grant, to persons absent from the State. Regulations may also provide for adjustment of the period to be considered as a period of retirement for the purposes of Retirement Pension.

A person is disqualified for Unemployment Assistance or Pre-Retirement Allowance, Disability Allowance or Farm Assist while he or she is living, whether temporarily or permanently, outside the State or undergoing imprisonment or detention in legal custody.

Old Age (Non-Contributory) Pension and Blind Pension are not payable to a person who is absent from the State except where the person goes to live in Northern Ireland. In this instance the

pension is payable until the person becomes entitled to an equivalent payment from the Northern Ireland authorities, or for a period of 5 years, whichever is the shorter.

A person who is convicted of an offence and ordered to be imprisoned, without the option of a fine, is disqualified for Old Age (Non-Contributory) Pension or Blind Pension while imprisoned.

Except where provided for in regulations, a person is disqualified for Widow's or Widower's (Non-Contributory) Pension or One-Parent Family Payment (including any increase in One-Parent Family Payment for a qualified child) for any period during which he or she is undergoing imprisonment or detention in legal custody. However, in the case of One-Parent Family Payment, regulations may provide for the payment of the qualified child increase to some other person.

Widow's and Widower's (Non-Contributory) Pension and Orphan's (Non-Contributory) Pension are not payable for any period during which the person is living outside the State.

A person is disqualified for One-Parent Family Payment while living, whether temporarily or permanently, outside the State.

Subject to EU legislation relating to family benefits and Child Benefit, Child Benefit is paid only within the State.

CHAPTER 3

Appointment and Duties of Social Welfare Inspectors (Section 250)

→ Social Welfare Inspectors

The Minister may appoint officers of the Department to be Social Welfare Inspectors to investigate matters relating to social insurance and social assistance payments, Child Benefit, Respite Care Grant, Family Income Supplement, Continued Payment for Qualified Children, Island Allowance for recipients of payments from other EU Member States, social insurance contributions, the liability of a person (a "liable relative") to contribute towards the cost of certain payments made to his or her family and the obligations of an employer to provide access to, and remit contributions associated with, PRSAs (Personal Retirement Savings Accounts).

When carrying out investigations arising from a claim for any social welfare payment, a Social Welfare Inspector may request any of the following to provide such information and documents as he or she may reasonably require:

- a person who claims, or is receiving, any social welfare payment;
- the spouse or employer of any such person;
- a person in charge of a child for whom Child Benefit is claimed;
- a liable relative and the employer of a liable relative; and
- the personal representative of a deceased person who was in receipt of a social welfare payment.

For the purposes of carrying out his or her functions under the Act or under the Pensions Act 1990, a Social Welfare Inspector may enter, at all reasonable times and without giving prior notice, any premises where persons are employed or self-employed or where records in relation to employed or self-employed persons are kept. An Inspector may question and take statements from

anyone found on the premises and may examine and take copies of any employment records.

Employers, their servants or agents and anyone who claims or is receiving a social welfare payment must co-operate with an Inspector by providing all information and documents which the Inspector may reasonably require.

Any sub-contractor who holds a C2 certificate issued by the Revenue Commissioners is obliged to produce the certificate for inspection by a Social Welfare Inspector if so requested by the Inspector.

Any person who:

- wilfully delays or obstructs a Social Welfare Inspector in carrying out his or her functions or in exercising his or her powers;
- refuses or neglects to answer any question or to provide any information or document when required to do so by a Social Welfare Inspector; or
- conceals or prevents, or attempts to conceal or prevent, any person from appearing before or being examined by a Social Welfare Inspector,

is guilty of an offence.

Every Social Welfare Inspector is given a Certificate of Appointment, which he or she must produce if asked to do so when entering any premises to carry out an inspection.

The premises or places which a Social Welfare Inspector has power to enter are any premises or place where the Inspector has reasonable grounds for believing that:

- persons are or have been employed;
- persons are or have been self-employed; or
- documents relating to employed or self-employed persons are kept.

Where any premises or place is liable for inspection by an Inspector or officer appointed, employed or under the control of another Government Minister, the powers of a Social Welfare Inspector may be given to any such

person for the purposes of the inspection if the Minister for Social and Family Affairs makes the necessary arrangements with the other Minister.

A person who is obliged to produce records to a Social Welfare Inspector must produce those records at his or her registered address or principal place of business. A person who fails to produce such records within 21 days of receiving a written request to do so is guilty of an offence.

Employment records maintained by an employer are *prima facie* evidence that the persons to whom the records refer were employed by that employer and of the earnings and period of employment of such persons.

An employer who issues a statement under the Terms of Employment (Information) Act 1994 to an employee must retain a copy of the statement for 2 years and must provide a copy for inspection to a Social Welfare Inspector, if asked to do so.

A Social Welfare Inspector may be accompanied by a member of An Garda Síochána when exercising any power under the Act. If accompanied by a Garda in uniform, a Social Welfare Inspector may stop a vehicle if the Inspector believes that the vehicle is being used in employment or self-employment, and may question and examine documents connected with employment held by any person in the vehicle.

CHAPTER 4

Offences, Miscellaneous Control Provisions and Proceedings (Sections 251 – 274)

→ False statements and offences (Section 251)

It is an offence for any person to knowingly make a false or misleading statement or to provide documents or information which he or she knows to be false in some respect for the purposes of:

- obtaining or establishing an entitlement to any social welfare payment;
- obtaining or establishing an entitlement to a payment at a higher rate; or
- to avoid making any repayment under the Act,

in respect of himself or herself or for some other person. Any employer or his or her servant or agent, who helps a person commit any such offence is also guilty of an offence.

Where a person is convicted of an offence in relation to Child Benefit, he or she will be disqualified for that benefit for a period of three months immediately following conviction.

Where an employer is convicted of an offence and by reason of that offence any social welfare payment (other than Child Benefit) was received by an employee which the employee was not entitled to receive, the employer is liable to repay the amount of the social welfare payment involved.

The Minister may make regulations providing for offences consisting of breaches of, or failure to comply with, such regulations and where offences are provided for, a person guilty of an offence is liable to a fine of up to €1,500 or a term of imprisonment of up to six months or to both such fine and imprisonment.

Where an offence is committed by a company with the help of or due to the wilful neglect of an employee or officer of that company, both the employee or officer and the company are liable for prosecution. It is a defence if the employee or officer can show that the offence was committed without his or her knowledge and that he or she exercised due diligence to prevent the offence from being committed.

A summons may be served on a company by:

- leaving it at or sending it by post to, the company's registered address, or to any place in the State at which the company conducts business; or
- sending it to the home address of an officer of the company.

Every person who is receiving, or has made a claim for, a social assistance payment must notify the Department of any increase in his or her means, and is guilty of an offence if he or she fails to do so.

→ Offences in relation to employment contributions (Section 252)

It is an offence for an employer to:

- fail to pay social insurance contributions which he or she is liable to pay within the required time;
- attempt to deduct the employer's element of the social insurance contribution from an employee's earnings;
- make a deduction from an employee's salary in respect of an employment contribution and fail to pay the employment contribution, or fail to pay the contribution within the prescribed time;
- adjust an employee's earnings in order to ensure that the employee is exempt from paying a social insurance contribution; or
- adjust an employee's earnings to avoid payment of insurance contributions.

It is an offence for an employer, or his or her servant or agent, to:

- knowingly make a false or misleading statement;
- conceal a material fact;
- produce or cause to be produced any document or information which he or she knows to be false in a material respect,

for the purposes of evading or reducing the employer's liability for social insurance contributions.

Regulations made under the Act require that employers maintain certain records in relation to the earnings and periods of employment of employees. That information must be recorded at or before the time the earnings are paid and an employer who fails to do so is guilty of an offence.

An employer who commits the offence of artificially adjusting an employee's earnings to exempt the employee from a social insurance contribution is liable:

- on summary conviction, to a fine of up to €1,500 or a term of imprisonment of up to six months or both; and
- on conviction on indictment to a fine of up to €13,000 or twice the amount of the unpaid contributions, whichever is the greater, or to a term of imprisonment of up to 3 years, or to both such fine and imprisonment.

An employer who is convicted of any of these offences is liable to pay the unpaid contributions to the Social Insurance Fund and, on conviction, if notice of the intention to do so has been given in the summons or warrant, evidence may be given of the employer's failure to pay other contributions during the 3 years before the notice being given. In this case, the Court may order the employer to pay all of the contributions involved and the employer's right of appeal against the conviction includes a right of appeal against any such order. Any sums recovered from the employer will be treated as payment of unpaid employment contributions, but the employer must not recover the employee portion of the contribution from the employee.

These provisions do not prevent the Minister from recovering any sums due to the Social Insurance Fund by way of civil proceedings.

→ Notification by employer of commencement of employment (Section 253)

Regulations may be made requiring employers and sub-contractors to notify the Minister of the date on which a person employed by that employer or sub-contractor, whether under a contract of service or a contract for service, starts work. A person who fails to comply with any such requirement is guilty of an offence.

→ Records to be maintained (Section 254)

Regulations may be made requiring employers to maintain records of persons employed under a contract of service or a contract for service. The regulations will specify the place where those records will be held and the length of time for which they will be held. A person who fails to maintain such records is guilty of an offence.

→ Information to be given by employers to Minister (Section 255)

An employer must give the Minister such information as may be required, in order to determine entitlement to or review any claim for social welfare benefits in respect of a person who is or was in his or her employment. An employer who fails to provide the required information is guilty of an offence.

→ Application of the Probation of Offenders Act 1907 (Section 256)

Where an employer is charged with an offence relating to his or her liability to pay social insurance contributions or where a person is charged with an offence in relation to having received any social welfare payment, the Court may not apply the Probation Act until the arrears

of contributions have been paid by the employer, or the person concerned has repaid the amount of benefit received.

→ Penalties (Section 257)

Except where otherwise provided for, a person guilty of an offence under the Social Welfare Acts is liable:

- on summary conviction, to a fine of up to €1,500 or a term of imprisonment of up to 6 months, or to both such fine and imprisonment; and
- on conviction on indictment, to a fine of up to €13,000 or a term of imprisonment of up to 3 years, or to both such fine and imprisonment.

→ Failure to keep records (Section 258)

Where an employee received payment of a benefit to which he or she was not entitled, and payment was made to the employee either wholly or partly because of an employer's or sub-contractor's failure to keep the required records or to give a required notification to the Minister that the employee commenced employment, the employer is liable to repay the amount of any such payment received by the employee while in his or her employment. It is presumed, until the contrary is proved, that any such payment made to an employee was due to the employer's failure to keep the required records or to give the required notification.

An employer is liable to repay any social welfare payment received by an employee which the employee was not entitled to receive where the payment was made either wholly or partly because of a material difference in a document which the employer gave to the employee and some other document which the employer gave to the Minister or the Collector-General. If the amount involved is not repaid by the employer, it may be recovered by the Minister from the employer by way of court proceedings. Similar provisions apply where the payment was received by the employee's spouse or any other member of his or her household.

→ Loss of benefit due to employer's default (Section 259)

Where an employee or other person loses entitlement to any social welfare payment, due to his or her employer's failure to pay, or to pay on time, social insurance contributions, the employee may recover the amount of the lost payment by way of court proceedings or the Minister may do so on his or her behalf.

Where unpaid social insurance contributions are treated as paid or as having been paid on time and as a result a social insurance payment that would not otherwise have been paid, is paid, the employer of the person concerned is liable to repay to the Social Insurance Fund the amount of the social insurance payment made to the employee.

Any social assistance payment paid to an employee or other person during a period when entitlement to a social insurance payment was lost because of his or her employer's failure to pay, or to pay on time, social insurance contributions may be recovered by the Minister:

- where the employee or other person has recovered the full amount of the payment lost, by deduction from any social insurance or social assistance payment to which he or she is or becomes entitled;
- or by way of court proceedings; and
- in any other case, from the employer by way of court proceedings.

→ Information required by Minister (Section 260)

For the purposes of controlling and investigating entitlement to any social welfare payments the Minister may, by way of regulations, require persons or bodies to provide information in relation to specified persons or categories of persons as may be required. A person who fails to comply with such a requirement is liable on summary conviction to a fine of up to €2,000.

→ Exchange of information (Section 261)

Information held by the Minister for the purposes of the Social Welfare Acts may be transferred by the Minister to the Revenue Commissioners and information held by the Revenue Commissioners (for the purposes of the Income Tax Acts) relating to employers, the earnings of employees, the earnings of self-employed people or to payments made under the Social Welfare Acts may be transferred by the Revenue Commissioners to the Minister.

Information held by the Minister for the purposes of the Social Welfare Acts or the control of schemes administered by or on behalf of the Minister may be transferred by the Minister to another Government Minister or a specified body and information held by another Government Minister or specified body which is required for the purposes of the Social Welfare Acts or the control of schemes administered by or on behalf of the Minister may be transferred by that Government Minister or specified body to the Minister. For the purposes of these provisions, a specified body means:

- a Local Authority;
- the Health Service Executive;
- the Garda Síochána; or
- any other body (including a subsidiary), established and financed wholly or partly from money provided, or loans made or guaranteed, by a Government Minister or from the issue of shares held by or on behalf of a Government Minister.

→ Personal Public Service (PPS) Number (Section 262)

A Personal Public Service (PPS) Number is a unique personal identifier for the purposes of a person's transactions in relation to the public functions of the bodies and agencies authorised by law to use the number. The bodies authorised to use the PPS number are listed in Schedule 5 to the Act. The Minister may allocate and issue a PPS number to a person who has a transaction with a specified body.

A **"transaction"** is defined as meaning:

- an application;
- a claim;
- a communication;
- a payment; or
- a supply of a service,

relating to a public function of a specified body.

When applying for a PPS number, a person must give the following information:

- surname;
- forename;
- date of birth;
- place of birth;
- sex;
- all former surnames (if any);
- all former surnames (if any) of his or her mother;
- address;
- nationality;
- date of death (if the transaction is in relation to a deceased person);
- any other information which, in the opinion of the Minister, is necessary, that may be specified in regulations.

This information, together with the person's PPS number, comprises a person's **"public service identity"**.

If a person who has a transaction with a specified body is under the age of 18 years, the information listed above must be given to the Minister, together with the public service identity of the person's mother and father.

A person must give his or her PPS number, and the PPS numbers of his or her spouse and children, to a specified body, if this is relevant to the purpose of the person's transaction with that body.

Where a specified body collects the information referred to above, that information is also collected for the purpose of up-dating the person's public service identity.

The Minister may share a person's public service identity with a specified body which has a

transaction with that person, to the extent necessary to verify the person's identity, and a specified body may use a person's public service identity in performing public functions in relation to that person.

Where the information is collected to facilitate the registration of a person's birth, that information is also collected for the purpose of allocating that person's PPS number.

A reference to a PPS number includes a reference to the number formerly known as a Revenue and Social Insurance (RSI) number.

A person who uses or attempts to get details of a PPS number is guilty of an offence, unless:

- he or she is the person to whom that number has been allocated; or
- the use or disclosure is in connection with a transaction between the person and a specified body; or
- it is in connection with the information required by the Minister; or
- it is in relation to an authorised exchange of information.

→ Public Service Card (Section 263)

The Minister may issue to a person a Public Service Card on which certain information, for example the person's name and PPS number and date of birth, are either inscribed or stored electronically. A person may ask the Minister for details of the information electronically encoded on his or her Public Service Card, and, where possible, this will be supplied within 28 days after the date of the request.

A person must produce his or her Public Service Card at the request of a specified body for the purposes of a transaction with that body.

A person who uses or attempts to use a Public Service Card, or seeks the production of such a card is guilty of an offence unless he or she is:

- the holder of the card or the person appointed to act on behalf of the cardholder; or

- a specified body for the purposes of a transaction; or
- a person who has a transaction with a specified body where the PPS number on the card is relevant to the transaction.

→ Payment Card (Section 264)

For the purposes of payment of any benefit, the Minister may permit the inscription or electronic encoding of information onto a Payment Card. A person may ask for details of the information inscribed or encoded on his or her Payment Card, and, where possible, this information will be supplied within 28 days of the date of the request. A person who uses or attempts to use another person's Payment Card (unless authorised to act on behalf of the card holder) to obtain a payment is guilty of an offence.

→ Sharing information (Section 265)

A specified body which holds information about a person may share that information with another specified body where the person has a transaction with the specified body for a relevant purpose.

"**relevant purpose**" is defined as meaning for the purpose of determining entitlement to or the control of:

- a social welfare benefit;
- specified services and payments under the Health Acts;
- an allowance under the Blind Persons Act 1920;
- a Higher Education Grant;
- Civil Legal Aid;

or in connection with housing assessments.

A specified body seeking information may only seek the information that is relevant to the transaction, and must provide the person's PPS number and satisfy the data control requirements of the specified body which holds the information.

If the information shared between specified bodies is found to be inaccurate, the specified

body which discovers incorrect information must obtain the correct information from the person, and inform the other specified body of any corrections made.

A person who knowingly seeks or transfers data held by a specified body about another person by using that person's PPS number is guilty of an offence, unless that action is permitted by the Act or other legislation.

→ Data exchange – provision of education (Section 266)

A specified body may share information with the Minister for Education and Science for the purposes of providing education for persons with special needs, and with *an tÚdáras um Ard Oideachas* in connection with its functions to facilitate higher education.

→ Data exchange – sharing of PPS Number (Section 267)

A specified body may share information for the purpose of ascertaining a person's PPS number. Such information may be used to identify the person and to update the person's record. Where a specified body has asked for a person's PPS number it may be provided to the specified body.

→ Data exchange – health provisions (Section 268)

A specified body may use a person's PPS number to share information about that person with another specified body for the purposes of the Health (Provision of Information) Act 1997.

→ Data exchange – rented accommodation (Section 269)

The Minister may share prescribed information with a Local Authority in relation to:

- a house let for rent;
- the landlord of a house let for rent or his/her agent; or
- the tenant of a house let for rent;

for the purpose of assisting a Fire Authority or a Housing Authority in the exercise of their functions.

→ Data exchange – correction of inaccurate information (Section 270)

Where information shared between specified bodies, in connection with the provision of education, the sharing of PPS numbers, health provisions or rented accommodation is found to be inaccurate, the specified body which discovers the inaccuracy must ascertain the correct information from the person and advise the other specified body of any amendments.

→ Prosecutions (Section 272)

Proceedings for an offence under the Act may be brought by the Minister, the Health Service Executive or the Collector-General. Proceedings for a summary offence in the name of the Minister may only be brought by an officer authorised by the Minister, or with the Minister's consent.

Irrespective of time limits set in any other Act, within which a prosecution may be taken, a prosecution for a summary offence under the Act may be brought within:

- 2 years starting on the date the offence was committed; or
- 18 months from the date on which the Minister had sufficient evidence to justify instituting proceedings,

whichever is the later.

For the purposes of initiating proceedings, a certificate, with the Minister's official seal, stating the date on which he or she received evidence sufficient to justify the prosecution, is adequate evidence of that fact until the contrary is proven.

Where it is shown to the satisfaction of the Court that a person has made a claim for any social welfare payment and as a result, a social welfare payment was paid to any person, the person who made the claim is presumed to have given any

information in the claim. Where the information is false, the person who made the claim is presumed to have known it to be false and to have given it with the intention to deceive, but these presumptions may be challenged.

In instituting proceedings under the Act, a signed certificate, certifying that:

- the person concerned is an officer of the Minister;
- he or she has been authorised by the Minister to institute proceedings; or
- the Minister has consented to the proceedings,

is sufficient evidence of these facts until the contrary is shown.

In any proceedings taken by the Collector-General under powers assigned by the Minister, a certificate signed by an officer of the Revenue Commissioners certifying that an amount of social insurance contributions is due and payable by a person is evidence of that fact until the contrary is proved.

In any proceedings, a signed certificate stating that a copy record has been made in accordance with these provisions is evidence of the fact that it is a true copy of the original, until the contrary is shown. Any such record may be given in evidence and is evidence of the facts in the record, provided that the Court is satisfied that the system used to copy the record is reliable. Where information is stored in a non-legible form, an explanation of its meaning by a suitably qualified person is admissible as evidence.

The absence of a record is evidence that the event did not happen if the Court is satisfied that:

- the system used to compile such records is reliable;
- if the event had happened, a record would have been made of it; and
- the only reasonable explanation for the absence of a record is that the event did not happen.

→ Civil Proceedings – Criminal Assets Bureau (Section 273)

Civil proceedings may be brought against or in the name of the Criminal Assets Bureau in any matters where an officer of the Minister who is assigned to the Criminal Assets Bureau is carrying out his or her powers or duties under the Act.

→ Evidence (Section 274)

A "**record**" refers to any document, record of an entry in a document or information electronically stored for the purposes of, or in connection with, the schemes administered by the Department of Social and Family Affairs. Where these records are at risk of deterioration, or where there are storage problems, the Minister, An Post and the relevant financial institutions may make a legible copy of the record or store the information otherwise than in a legible form, for example on computer. In such cases, the original record may be destroyed, provided that this is authorised under the National Archives Act 1986.

CHAPTER 5

Alienation of Books and Documents (Sections 275 - 278)

→ Explanation of term (Section 275)

A "**document**" includes any book, card, order, voucher or other document issued to a person which, if produced by him or her, may be used to obtain payment of a social welfare benefit.

→ Prohibition of alienation of documents (Section 276)

It is an offence to buy, exchange or take into pawn any document under which a person is entitled to receive any social welfare payment.

→ Avoidance of alienation of documents (Section 277)

Any transfer of ownership of a document whether by way of sale, exchange or mortgage is null and void.

→ Return of documents on demand (Section 278)

A person who has received any document rendered null and void must give the document on demand to a Social Welfare Inspector or to the owner of the document or to an agent of the owner. It is an offence for a person to fail to do so. Where a person is convicted of such an offence, the Court may make an order to secure the return of the document.

CHAPTER 6

Miscellaneous Provisions (Sections 279 – 298)

→ Provisions relating to maintenance (Section 279)

The Minister may make regulations for determining whether a person is wholly or mainly maintaining another person.

→ Free certificates (Section 280)

The Minister may arrange for the issue of free medical certificates for the purposes of social assistance payments and social insurance payments.

→ Stamp duty (Section 281)

Stamp duty is not chargeable on any document for any payment, refund or repayment made under the Act.

→ Birth, marriage and death certificates (Section 282)

Birth, marriage and death certificates required for making a claim for any social welfare payment other than Supplementary Welfare Allowance may be obtained at a reduced cost, currently set at €0.89. For a claim to Supplementary Welfare Allowance, arrangements may be made for free certificates.

→ Inalienability (Section 283)

A person cannot assign any social welfare payment which he or she receives to a creditor or a creditor's agent.

→ Means for the purposes of Debtors Act (Section 284)

A social welfare payment is excluded from the calculation of a person's means under Section 6 of the Debtors Act (Ireland) 1872.

→ Exclusion in assessment of damages (Section 285)

In assessing damages under the Fatal Injuries Act 1956 or Part IV of the Civil Liability Act 1961, no account will be taken of Child Benefit, Widow's or Widower's (Contributory) Pension, Orphan's (Contributory) Allowance, One-Parent Family Payment payable to a widow or widower, Widow's or Widower's (Non-Contributory) Pension or Orphan's (Non-Contributory) Pension.

No account of any social insurance benefit payment, Widow's or Widower's (Non-Contributory) Pension, Orphan's (Non-Contributory) Pension or Child Benefit is taken in assessing damages for injury or disease or calculating compensation under the Workmen's Compensation Acts.

→ Taking account of Disability Benefit and Invalidity Pension (Section 286)

In assessing damages for liability for personal injuries arising from a road traffic accident, any Disability Benefit or Invalidity Pension paid to the injured person in the 5 years following the accident is taken into account.

→ Reciprocal arrangements (Section 287)

The Minister may make orders to give effect to reciprocal agreements on social security between the State and international organisations, states or governments in connection with social insurance and the social insurance-based benefits, Old Age (Non-Contributory) Pension, Blind Pension, Widow's or Widower's (Non-Contributory) Pension, Orphan's (Non-Contributory) Pension, Unemployment Assistance and Child Benefit. The Minister may amend or revoke any such order.

→ Provision of consultancy, training and contract services (Section 288)

Subject to the consent of the Minister for Finance, the Minister may enter into contracts for consultancy, advice, or training services, technical assistance or computer products with a legally established company, a legally established international company, an EU institution, the United Nations, the World Bank or an international institution recognised by the State.

→ Administration of social welfare schemes (Section 289)

The Minister may, by regulations, delegate the administration of any social welfare scheme, and such regulations may apply to a specific area or to the State as a whole.

→ Budgeting in relation to social welfare payments (Section 290)

The Minister may make regulations to provide that deductions may be made from a person's social welfare payment, at the request of that person, and the amounts deducted may be paid to specified bodies, which include a local authority, a government-sponsored company or any other body that may be prescribed. In relation to the person's consent, the regulations will provide for:

- the withdrawal of the consent;
- the time and manner of the withdrawal of consent; and
- the adjustment of the amount of the social welfare payment following the withdrawal.

→ Regulations in relation to unpaid rent (Section 291)

Following consultation with the Minister for Environment, Heritage and Local Government, the Minister may make regulations to provide for deduction from a person's social welfare payment of unpaid rent due to a local authority. In cases where the rent is unpaid for a specified period or

exceeds a specified amount, the deduction may be made without the consent of the person on the application of the local authority. The amount deducted each week, which is subject to a maximum of the weekly rent payable by the person, will be paid over to the local authority.

→ Regulations varying payment rates of benefit or assistance (Section 292)

The Minister may temporarily vary, but not reduce, the amounts of benefit and assistance payments other than Family Income Supplement or Child Benefit.

→ Effect of means on rates of assistance (Section 293)

For the purposes of the means-tested payments, regulations may, in providing for the assessment of any amount over the specified minimum, provide that each amount of up to €2.50 may be assessed in bands of €2.50.

→ Regulations in relation to benefit or assistance (Section 294)

The Minister may make regulations in relation to any benefit or assistance, and those regulations may apply to any of the provisions of the Act.

→ Application of provisions of the Act (Section 295)

Where any section of the Act gives power to the Minister to apply provisions by regulations, those powers extend to the provisions of any legislation which amends the Act.

→ Payment of increases for qualified children (Section 296)

The Minister may provide by regulation for payment of the full amount of any qualified child increases to either of the parents of those children.

→ Regulations for payment of qualified adult increases (Section 297)

The Minister may provide in regulations for payment of graduated rates of qualified adult increases in social insurance schemes, where the qualified adult has an income above a specified amount.

→ Qualified adult – administrative schemes (Section 298)

For the purposes of the following administrative schemes:

- Free Travel scheme
- National Fuel scheme
- Part-time Job Incentive scheme
- Back to Education Allowance
- Back to School Clothing and Footwear Allowance
- Back to Work Allowance (Employees)
- Back to Work Enterprise Allowance
- Smokeless Fuels Allowance, and
- Households Benefits Package,

a qualified adult increase is paid only where the person is a spouse within the meaning of the Act, that is:

- each person of a married couple in relation to each other; or
- a man and a woman who are not married to each other but are cohabiting as husband and wife.

PART 10

[illegible][illegible]

Decisions, Appeals and Social Welfare Tribunal

CHAPTER 1

Deciding Officers and Decisions by Deciding Officers (Sections 299 – 303)

→ Appointment of Deciding Officers (Section 299)

The Minister may appoint officers of the Department to be Deciding Officers for the purposes of the Act.

→ Decisions by Deciding Officers (Section 300)

A Deciding Officer will decide every question in relation to:

- a social insurance payment;
- insurability issues;
- a social assistance payment;
- Child Benefit;
- Respite Care Grant;
- Family Income Supplement;
- Continued Payment for Qualified Children;
- Island Allowance for recipients of EU payments;
- general matters regarding social insurance and social assistance, and
- liability to maintain family.

An officer of the Minister who is assigned to the Criminal Assets Bureau may make decisions in relation to the matters listed above, and questions arising in relation to Supplementary Welfare Allowance.

The Minister may provide for the automatic award of Child Benefit in certain circumstances for a second or any subsequent child to a person who is already receiving that payment.

The Minister may also provide for the automatic award in certain circumstances of Bereavement Grant or the Six Weeks' After Death Payments scheme in prescribed circumstances.

→ Review of decisions by Deciding Officers (Section 301)

A Deciding Officer may revise any decision of a Deciding Officer if it seems that the initial decision was incorrect:

- in the light of new evidence or new facts, brought to his or her notice since the initial decision was made;
- by reason of a mistake having been made in relation to the law; or
- if the Deciding Officer considers that there has been a change in circumstances since the decision was made.

A Deciding Officer may also revise a decision of an Appeals Officer if it appears to him or her that there has been a relevant change in circumstances which has come to notice since the Appeals Officer's decision. Any such revised decision, however, is open to appeal in the same way as an initial decision. A Deciding Officer cannot revise a decision on any matter which is the subject of an appeal, unless the revised decision would favour the person concerned.

A Deciding Officer who is assigned to the Criminal Assets Bureau may revise a determination made by an officer of the Health Service Executive in relation to entitlement to Supplementary Welfare Allowance.

→ Effect of revised decision by a Deciding Officer (Section 302)

A revised decision by a Deciding Officer takes effect as follows:

- where any social insurance payment or social assistance payment, Child Benefit or Family Income Supplement or Continued Payment for Qualified Children will be disallowed or reduced because of the revised decision, and the revised decision is made because of misrepresentation or fraud (including the wilful concealment of any material fact), the revised decision will take effect from the date of the initial decision. The Deciding Officer has discretion to apply the revised decision from the later date on which the false or misleading statement was made or the material fact was concealed. This provision may be applied in cases of fraud and the effect of such a revised decision is to disqualify the person for payments which he or she has received and, as a result, the person must repay the amount involved;
- where any social insurance or social assistance payment, Child Benefit, Family Income Supplement or Continued Payment for Qualified Children will be disallowed or reduced because of the revised decision and the revised decision is made in the light of new evidence or new facts which have been brought to the notice of the Deciding Officer since the original decision was made, the revised decision will take effect from whatever date the Deciding Officer considers appropriate, taking account of the new evidence or new facts. If the decision is back-dated, the person concerned must repay the amount involved.

In any other situation, the revised decision will take effect from whatever date the Deciding Officer considers appropriate, taking account of the circumstances of the case.

→ Referral by Deciding Officer to an Appeals Officer (Section 303)

A Deciding Officer may, instead of deciding a question himself or herself, refer it for decision by an Appeals Officer.

CHAPTER 2

Appeals Officers, Chief Appeals Officer and Decisions by Appeals Officers (Sections 304 – 321)

→ Appointment of Appeals Officers (Section 304)

The Minister may appoint officers of the Department to be Appeals Officers for the purposes of the Act.

→ Chief Appeals Officer (Section 305)

The Minister must assign one Appeals Officer to be the Chief Appeals Officer and a second to be Deputy Chief Appeals Officer.

→ Referral to High Court or Circuit Court (Sections 306 & 307)

The Chief Appeals Officer may, where he or she considers it appropriate, refer certain questions to the High Court for decision, and, where the Chief Appeals Officer is of the opinion that an appeal may only be appropriately processed in the Circuit Court, he or she may direct the appellant to submit the appeal to the Circuit Court within 21 days.

→ Annual report (Section 308)

The Chief Appeals Officer must give the Minister an annual report on the activities of the Social Welfare Appeals Office, and copies of the report must be laid before the *Dáil* and the *Seanad*. The Chief Appeals Officer is also required to provide the Minister with such information as the Minister may request concerning the activities of the Social Welfare Appeals Office.

→ Appointment of assessors (Section 309)

The Chief Appeals Officer may appoint assessors to sit with an Appeals Officer at hearings where he or she considers that the assistance of assessors is required. The Chief Appeals Officer may set up panels of assessors for this purpose. Where an assessor is required at an appeal hearing, the hearing may not proceed without him or her unless the parties to the hearing give their consent.

→ Appeals (Section 311)

Any person who is dissatisfied with a decision made by a Deciding Officer may appeal that decision by giving notice to the Chief Appeals Officer within a time limit, currently 21 days, set out in regulations. The case will be referred for decision by an Appeals Officer. In deciding the appeal, an Appeals Officer is not confined to the grounds on which the decision of the Deciding Officer was based and may decide the question as if it were being decided for the first time.

→ Hearings (Sections 313 – 315)

An Appeals Officer may require a person to attend an appeal hearing to give evidence and to produce any documents in his or her possession which relate to the appeal. An Appeals Officer may take evidence on oath and, for this purpose, may administer oaths to persons attending oral hearings as witnesses.

A person who fails to attend an appeal hearing as required or who refuses to give evidence or produce documents is guilty of an offence and is liable on summary conviction to a fine of up to €1,500. In addition, where a person fails to attend a hearing or give evidence or produce documents if required, an Appeals Officer may, on giving notice to the person, apply to the District Court for an order directing the person to attend the hearing or give evidence and produce the required documents.

→ Award of expenses (Section 316)

An Appeals Officer may award any person involved in an appeal hearing any expenses he or she considers reasonable, for travel, subsistence and loss of earnings.

→ Revision by Appeals Officer of decision by Appeals Officer (Section 317)

An Appeals Officer may revise any decision of an Appeals Officer if it appears to him or her that the decision was incorrect in the light of new evidence or new facts brought to his or her notice since the date on which it was made, or if it appears that there has been any relevant change of circumstances since that date.

→ Revision by Chief Appeals Officer of decision of Appeals Officer (Section 318)

The Chief Appeals Officer may revise any decision of an Appeals Officer if he or she decides that the decision was incorrect by reason of some mistake having been made in relation to the law or the facts.

→ Effect of revised decision by Appeals Officer (Section 319)

A decision revised by an Appeals Officer takes effect as follows:

- where any social insurance or social assistance payment, Child Benefit, Family Income Supplement or Continued Payment for Qualified Children will be disallowed or reduced because of the revised decision, and the revised decision is made because of misrepresentation or fraud (including the wilful concealment of any material fact), the revised decision takes effect from the date of the initial decision. However, the Appeals Officer has discretion to apply the revised decision from the later date on which the false or misleading statement was made or the material fact was concealed. This

provision applies in cases of fraud and the effect of the revised decision is to disqualify the person for payments which he or she has received, and, consequently, the person must repay the amount involved;

- where any social insurance or social assistance payment, Child Benefit, Family Income Supplement or Continued Payment for Qualified Children will be disallowed or reduced because of the revised decision and the revised decision is made in the light of new evidence or new facts which have been brought to the notice of the Appeals Officer since the original decision was made, the revised decision takes effect from whatever date the Appeals Officer considers appropriate taking account of the new evidence or new facts. If the decision is back-dated, the person must repay the amount involved.

In any other situation, the revised decision takes effect from whatever date the Appeals Officer considers appropriate, taking account of the circumstances of the case.

→ Decision of Appeals Officer to be final and conclusive (Section 320)

Subject to the provisions dealing with revised decisions and references to the High Court, the decision of an Appeals Officer on any question relating to:

- a social insurance payment (other than a question as to whether an accident arose out of or in the course of employment and questions relating to insurability);
- a social assistance payment;
- Child Benefit;
- Respite Care Grant;
- Family Income Supplement;
- Continued Payment for Qualified Children;
- Island Allowance for recipients of EU payments;
- the general provisions in relation to claims and payments, decisions and appeals and overpayments,

is final and conclusive.

CHAPTER 3

Supplementary Welfare Allowance Determinations and Appeals (Sections 322 – 325)

→ Appeals (Section 323)

A person's entitlement to Supplementary Welfare Allowance, including the amount of any allowance payable, is determined by the Chief Executive Officer of the Health Service Executive, subject to the person's right of appeal. In practice, this function is carried out by the employees of the Health Service Executive. Any person who is dissatisfied with the determination of an employee of the Health Service Executive in relation to a claim for Supplementary Welfare Allowance may appeal that determination to a person appointed or designated by the Minister for this purpose.

→ Revision of determination of entitlement to Supplementary Welfare Allowance (Section 324)

An employee of the Health Service Executive who is authorised to determine entitlement to Supplementary Welfare Allowance may revise any determination concerning the entitlement of a person to such allowance, where it appears that the initial determination was incorrect in the light of:

- new evidence or new facts brought to his or her notice since the determination was made;
- a mistake having been made in relation to the law or the facts; or
- any relevant change of circumstances since the initial determination.

→ Effect of a revised determination (Section 325)

A revised determination by an employee of the Health Service Executive takes effect as follows:

- where Supplementary Welfare Allowance will be disallowed or reduced because of the revised determination and the revision is made because the initial determination was made or continued to have effect because of misrepresentation or fraud (including the wilful concealment of any material fact), the revised determination takes effect from the date of the initial determination. However, the employee of the Health Service Executive has discretion to apply the revised determination from the later date on which the false or misleading statement was made or the material fact was concealed. This provision applies in cases of fraud and the effect of the revised determination is to disqualify the person for payments which he or she has received, and, consequently, the person must repay the amount involved;
- where Supplementary Welfare Allowance will be disallowed or reduced because of the revised determination and the revision is made in the light of new evidence or new facts which have been brought to the notice of the employee of the Health Service Executive since the original determination was made, the revised determination takes effect from whatever date the employee considers appropriate, taking account of the new evidence or facts. If the determination is back-dated the person must repay the amount involved.

In any other situation, the revised determination takes effect from whatever date the employee of the Health Service Executive considers appropriate, taking account of the circumstances of the case.

CHAPTER 4

General Provisions Relating to Decisions and Appeals (Sections 326 – 330)

→ Appeals - oral hearings (Section 326)

Where the Minister or a person designated by the Minister for this purpose considers that the circumstances of a particular case warrant an oral hearing, the Minister or the person so designated may direct the Chief Appeals Officer that the appeal be determined by way of an oral hearing.

→ Appeals to the High Court (Section 327)

Decisions of an Appeals Officer and revised decisions of the Chief Appeals Officer, other than those decisions that are final and conclusive, may be appealed to the High Court on a point of law.

→ Revised decision or determination (Section 329)

A revised decision by a Deciding Officer or an Appeals Officer or a revised determination by an employee of the Health Service Executive may include a reversal of the original decision or determination.

→ Regulations (Section 330)

The Minister may make regulations specifying the appeals procedures to be followed by Deciding Officers, Appeals Officers and employees of the Health Service Executive.

CHAPTER 5

The Social Welfare Tribunal (Sections 331 – 333)

→ Application for adjudication by the Social Welfare Tribunal (Section 331)

A person who has been disqualified for receiving Unemployment Benefit or Unemployment Assistance because of his or her direct interest or participation in a trade dispute which caused a stoppage of work may apply to the Social Welfare Tribunal for an adjudication.

→ Adjudications by Social Welfare Tribunal (Section 332)

Before making an adjudication, the Tribunal must take account of all of the circumstances of the stoppage of work and of the trade dispute which caused the stoppage of work, including whether:

- the applicant is or was willing and able to work but is or was unable to do so because of some unreasonable action or omission by the employer;
- the applicant is or was prevented by the employer from working without reasonable or adequate consultations or without using accepted industrial relations machinery;
- any action by or decision of the employer amounting to a worsening of the terms or conditions of the employment and taken without adequate consultation was a cause of the stoppage of work; and
- the conduct of the person or his or her trade union was reasonable.

Having considered the evidence and any representations made by the person and the employer, the Tribunal will decide whether the person was unreasonably deprived of employment and if so, and subject to the other conditions of entitlement being satisfied, whether the person is entitled to Unemployment Benefit or Unemployment Assistance. Where relevant, the Tribunal will also determine the period of entitlement to benefit or assistance.

The decision of the Tribunal is final and conclusive. It may, however, be appealed to the High Court on a point of law, and any interested party, including the Minister, may seek a review of the decision by the Tribunal itself. If the Tribunal is satisfied that there has been a material change in the circumstances of the stoppage of work or that there is new evidence or facts which in the opinion of the Tribunal could have affected the decision, the Tribunal may review its own decision.

→ Social Welfare Tribunal (Section 333)

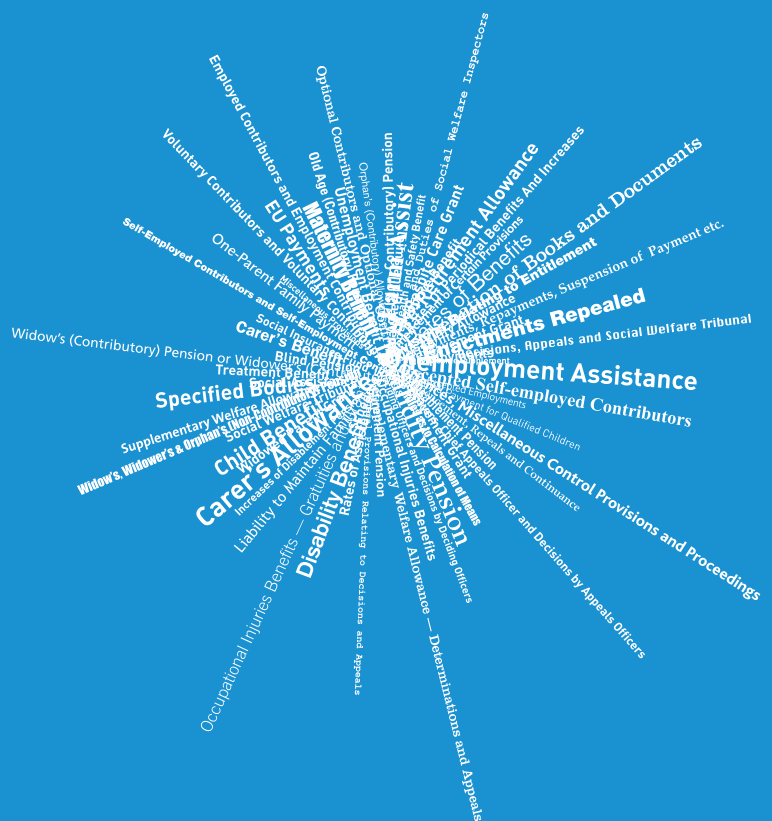
The Tribunal consists of a Chairperson and four ordinary members appointed by the Minister. Two of the ordinary members are representative of workers and are nominated by the Irish Congress of Trade Unions. The other two ordinary members are representative of employers and must be nominated by an organisation which represents employers.

The Tribunal has power to take evidence on oath, and for this purpose, may administer oaths to persons attending hearings as witnesses. A person who gives false evidence before the Tribunal is guilty of perjury if he or she would have been guilty of this offence if the evidence had been given before a Court. The Tribunal may require a person to attend a hearing for the purpose of giving evidence or to produce documents in the person's possession or control. A person who refuses or wilfully fails to attend a hearing or to produce documents required by the Tribunal is guilty of an offence and liable on summary conviction to a fine of up to €150.

The Minister may make regulations providing for matters relating to the Tribunal, including the procedure to be followed, the time and places of hearings, the representation of parties, publication and notification of decisions and the award of costs and expenses.

PART 11

Overpayments, Repayments, Suspension of Payment



Overpayments, Repayments, Suspension of Payment

Overpayments, Repayments, Suspension of Payment (Sections 334 – 343)

→ Interim payments & suspension of payment (Section 334)

The Minister may make regulations in relation to matters arising:

- pending a decision on a claim for, or a person's entitlement to, any benefit, assistance, supplement, payment, or a person's liability for contributions; or
- out of the effect of any appeal, revised decision or revised determination.

Where a question has arisen as to whether the conditions of entitlement are or were fulfilled, or whether a decision warrants revision, the Minister may direct that payment of any benefit, assistance, supplement or payment may be suspended in whole or in part until the question has been decided.

Where it appears to an employee of the Health Service Executive that a question has arisen as to whether the conditions for receipt are or were fulfilled or that a determination of entitlement should be revised, payment of Supplementary Welfare Allowance may be suspended in whole or in part until the question has been determined.

→ Overpayments (Section 335)

Where, following a revision of a decision by a Deciding Officer or an Appeals Officer or a revised determination by an employee of the Health Service Executive, it is decided that a person has received a payment to which he or she was not entitled, that person must repay the amount involved:

- to the Social Insurance Fund, in the case of a social insurance payment;
- to the Minister in the case of a social assistance payment, Child Benefit, Family Income Supplement or Continued Payment for Qualified Children;
- to the Health Service Executive in the case of Supplementary Welfare Allowance; or
- to the Minister in the case of entitlement to Supplementary Welfare Allowance as determined by an Officer of the Minister who is assigned to the Criminal Assets Bureau.

→ Repayment of benefit or assistance overpaid (Section 336)

A person is liable to repay an overpayment which arises from circumstances other than a revised decision.

→ Liability to repay where person is convicted of an offence (Section 337)

A person who is convicted of having received a payment to which he or she was not entitled is liable to repay a sum of up to the amount which he or she had received.

→ Recovery of debts (Section 338)

Where a person has received moneys from the Department of Social and Family Affairs which he or she was not entitled to receive, he or she is liable to repay that money to:

- the Social Insurance Fund, in the case of benefit;
- the Minister in the case of assistance, Child Benefit, Family Income Supplement or Continued Payment for Qualified Children; or
- the Health Service Executive in the case of Supplementary Welfare Allowance.

→ Distribution of assets (Section 339)

The personal representative of a deceased person who was in receipt of a social assistance payment must, within 3 months of distributing the assets of the person's estate, give the Minister written notice of his or her intention to distribute the assets of the estate and provide a schedule of the assets.

The personal representative is also required, if so requested by the Minister within 3 months of receipt of notice to distribute the assets, to ensure that sufficient assets are retained to repay any assistance paid to the deceased to which he or she was not entitled.

In deciding the amount of assistance to be repaid, the assets of the person at the time of death are taken to have belonged to him or her for the full period during which he or she was receiving assistance, unless there is evidence to the contrary.

A personal representative who fails to give notice of intention to distribute the assets or to give the schedule of assets, as required, and who distributes the assets of the estate without paying any sum due to the Minister in respect of assistance received by the deceased to which he or she was not entitled, is personally liable to repay the amount that should have been repaid from the estate.

Proceedings may be taken against the deceased person's estate to recover any assistance due to be repaid within 6 years of the date on which the notice to distribute or the schedule of assets is received by the Minister, whichever is the later.

→ Recovery of payments from financial institutions (Section 340)

Where benefit or assistance is paid into a person's bank account, any payment made for a period after that person's death may be recovered from the financial institution. In such cases, the relevant bank or financial institution must comply with a written notice from the Minister to repay either the amount of benefit or assistance recoverable or the amount standing to the credit of the account, whichever is the lower amount.

→ Recovery of sums due by civil proceedings or by deduction from other payments (Section 341)

Any overpayment arising from a revised decision by a Deciding Officer or an Appeals Officer or a revised determination by an employee of the Health Service Executive may be recovered by way of civil proceedings. Proceedings may also be taken for the recovery of unpaid social insurance contributions and such proceedings may be brought at any time regardless of time limits specified in other Acts.

All sums repaid or recovered under the Social Welfare Acts are paid into or disposed of for the benefit of the Exchequer or the Social Insurance Fund, as appropriate.

Overpayment of any amount of benefit, assistance or supplement, including an overpayment which does not arise as a result of a revised decision or determination may be recovered, without prejudice to any other method of recovery, by way of deduction from any other benefit, assistance or supplement to which the person is or subsequently becomes entitled.

Any overpayment of Child Benefit may be recovered by way of deduction from any payment of Child Benefit to which the person is or becomes entitled.

Overpayments may be recovered by way of deduction even if court proceedings have been instituted for the recovery of the money involved or if an order has been made by a Court requiring the person concerned to repay the amount involved.

→ Repayments of amounts due to be deferred, suspended, reduced or cancelled (Section 342)

Where a person must repay an overpayment of any social insurance payment, social assistance payment, Child Benefit, Family Income Supplement or Continued Payment for Qualified Children, an officer of the Minister appointed for this purpose, or in the case of Supplementary Welfare Allowance, an employee of the Health Service Executive may, subject to the conditions and circumstances that may be set out in regulations, defer, suspend, reduce or cancel repayment of the amount involved.

→ Effect of decisions for purposes of proceedings (Section 343)

In any proceedings for:

- the recovery of any overpayment;
- the payment of social insurance contributions; or
- an offence under the Act,

a decision relevant to the proceedings is conclusive for the purposes of those proceedings except where an appeal is pending. Where an appeal is pending the Court will adjourn the proceedings until a final decision is made. Where a decision has not been made, the question will be submitted for decision in accordance with the Act.

PART 12

[illegible]

Liability to Maintain Family

Liability to Maintain Family (Sections 344 – 359)

→ Explanation of terms (Section 344)

"allowance" means One-Parent Family Payment, Supplementary Welfare Allowance and the Deserted Wife's and Prisoner's Wife's payments which continue to be paid under Section 178 of the Act;

"antecedent order" means an Order of the District Court directing a person to make contributions to a competent authority towards a payment made to his or her family, or an Order for payment by instalments;

"attachment of earnings order" means an order made by the District Court which instructs a liable relative's employer to make deductions from the liable relative's earnings to be paid to the District Court clerk, who will, in turn, transfer those payments to a competent authority;

"competent authority", in relation to One-Parent Family Payment means the Minister and, in the case of Supplementary Welfare Allowance, the Health Service Executive;

"earnings" means any sums payable to a person by way of wages or salary (including any fees, bonus, commission, overtime pay or other income from employment in addition to wages or salary under a contract of service), or by way of pension or equivalent benefit from employment;

"husband" means the last husband of a woman who has been married more than once, or the man to whom a woman would be married but for a valid divorce;

"order of the Court" means a maintenance order, lump sum order, variation order or interim order under the Family Law Acts;

"wife" means the last wife of a man who has been married more than once, or the person to whom a man would be married but for a valid divorce.

→ Liability to maintain family (Section 345)

For the purposes of One-Parent Family Payment and Supplementary Welfare Allowance:

A man is liable to maintain:

- his wife; and
- any child of his under age 18, or a child over that age and under 21, who is in full-time education.

A woman is liable to maintain:

- her husband; and
- any child of hers under age 18, or a child over that age and under 21, who is in full-time education.

→ Contribution towards benefit or allowance (Section 346)

A person (the **"liable relative"**) is required to make contributions to a competent authority where One-Parent Family Payment or Supplementary Welfare Allowance is being paid to his or her spouse or children. The amount of the contribution towards the payment made to the family will be the amount determined by the competent authority to be appropriate.

Where the liable relative fails or neglects to make contributions towards the payments made to his or her spouse or child, the competent authority may apply to the District Court for an order directing the liable relative to make the required contribution. The competent authority must notify the liable relative in advance of making any such application to the Court.

Where the Court is satisfied that the liable relative is in a position to contribute towards the payment but has failed to do so, the Court will fix the amount of the contribution to be made to the competent authority and order the liable relative to pay this amount by way of such payments as the Court thinks appropriate.

If an application is made by either the liable relative or the competent authority, the Court may vary any such order under the Enforcement of Court Orders Act 1926 provided that an application by either party is notified to the other.

→ Attachment of earnings order (Section 347)

The competent authority may apply to the District Court for an order for the arrest and imprisonment of a liable relative who fails to comply with an order of the Court. Where an order has been made by the Court at the request of the competent authority, the Court may, on application by the competent authority, make an attachment of earnings order.

An attachment of earnings order requires the employer of the liable relative to deduct the amounts specified in the order from the employee's wages or salary and to pay these amounts to the District Court clerk who, in turn, pays them over to the competent authority.

An attachment of earnings order cannot be made without the consent of the liable relative, unless the Court is satisfied that the liable relative has defaulted on payments which he or she was required to make under the relevant antecedent order.

→ Employer's obligations in relation to attachment of earnings order (Section 348)

An attachment of earnings order must specify the amount to be deducted from the earnings of the liable relative and the rate below which these earnings must not be reduced, taking account of the resources and needs of the liable relative. The order must also contain appropriate information to enable the employer to identify the liable relative. The liable relative's employer is required to comply with an attachment of earnings order within 10 days from the date on which it is served.

Where an attachment of earnings order is served on an employer and the liable relative is not employed by him or her, the employer must notify the Court of this fact within 10 days of the notice being served. If the employee leaves his or her employment, the employer must notify the Court within 10 days of the person having left the employment.

An employer must provide the liable relative with details, in writing, of deductions made from his or her salary or wages under an attachment of earnings order.

The Court registrar or clerk named in an attachment of earnings order must serve the order on the liable relative's employer and any subsequent employer. The order is served by leaving it at or sending it by registered pre-paid post to the employer's home or place of business in the State.

→ Powers of the District Court (Section 350)

The District Court has powers to order a liable relative to provide a signed statement giving details of his or her employer, earnings, expected earnings, resources, needs and information enabling the employer to identify the liable relative. The District Court may also order the liable relative's employer to give the Court a signed statement of the earnings and expected earnings of the liable relative.

A notice of application for an attachment of earnings order served on a liable relative may require the liable relative to give to the Court, within the time limit set out in the notice, a written statement detailing his or her employer, earnings, expected earnings, resources and needs and information to enable the Court determine the appropriate rate of deduction.

→ Changes in employment (Section 351)

Where an attachment of earnings order is in force:

- the liable relative must notify the Court of any change in employment, or if he or she becomes employed or re-employed, within a period of 10 days of the event;
- when the liable relative becomes employed or re-employed, he or she must provide details of earnings and expected earnings; and
- any person who becomes the employer of a liable relative who is aware that an attachment of earnings order is in force must, within 10 days of the liable relative taking up employment or of the employer becoming aware of the existence of the order, notify the Court in writing that he or she has employed the liable relative. The new employer must also provide details of the person's earnings and expected earnings and the employer must notify the Court of any increase in the earnings of the liable relative within 10 days of any such increase being paid.

→ Determinations by District Court (Section 352)

The District Court, on application by the competent authority, the liable relative or the employer of the liable relative, may decide whether particular payments made to the liable relative are earnings for the purposes of the attachment of earnings order.

→ Liable relative in the service of the State (Section 353)

Where a liable relative is a civil or public servant, the chief officer of the department, office, organisation, service, authority, board, committee, undertaking or other body in which the liable relative is employed, is regarded as having the liable relative in his or her employment. In any other case, where the liable relative is paid out of the Central Fund or money provided by the *Oireachtas*, the Secretary of the Department of Finance is regarded as the employer.

→ Discharge, variation or lapse of attachment of earnings order (Section 354)

The District Court may make an order discharging or varying an attachment of earnings order on application by the competent authority, the liable relative or the Court clerk on whose application the attachment of earnings order was made. Where an order varying an attachment of earnings order is made, the liable relative's employer must comply with the new order within 10 days of it being served.

Where a liable relative ceases to be employed by a particular employer, the attachment of earnings order ceases to have effect insofar as that employer is concerned, except in respect of earnings paid after the date on which the employment ceased. However, the order continues to remain in force for other purposes.

→ Cesser (Section 355)

An attachment of earnings order ceases to have effect after the antecedent order which gave rise to the attachment of earnings order is discharged, except for any payments due before the date of discharge. Where an attachment of earnings order ceases to have effect, the clerk or registrar of the Court that made the order must notify the liable relative's employer.

→ Offences (Section 356)

Where a liable relative or the employer of a liable relative fails to comply with the provisions of a notice of application to the Court or with the terms of a Court order or where either the liable relative or his or her employer gives any false or misleading statements and as a result, the competent authority does not receive a sum of money under an attachment of earnings order, the competent authority or the Court clerk to whom the sum is due to be paid may take court proceedings to obtain the amount involved.

Where a liable relative or his or her employer knowingly gives false or misleading information in any notification required by the Court, the liable relative or the employer, as the case may be, is guilty of an offence and liable on summary conviction to a fine of up to €1,500 or to a term of imprisonment of up to 6 months or to both such fine and term of imprisonment.

A liable relative's employer who fails to provide the liable relative with a written statement of deductions made from his or her earnings, as required, is guilty of an offence and liable on summary conviction to a fine of up to €1,500.

→ Payments under order of court to offset contributions (Section 357)

Payments made on foot of a Court order to a person receiving One-Parent Family Payment or Supplementary Welfare Allowance are offset against amounts which the liable relative must pay to the competent authority towards the benefit or allowance paid to his or her family.

→ Transfer of payments under order of court (Section 358)

A person receiving One-Parent Family Payment or Supplementary Welfare Allowance who receives payments in compliance with an order of the Court is liable to transfer such payments to the competent authority. Where the person fails to do so, the amount of the One-Parent Family Payment or Supplementary Welfare Allowance may be reduced by the amount which the person is liable to transfer.

A person who claims benefit or allowance may be required to agree to transfer to the competent authority payments made on foot of an order of the Court, provided that benefit or allowance is or has been awarded to that person.

→ Investigations by Health Service Executive (Section 359)

An employee of the Health Services Executive may investigate any question arising in relation to Supplementary Welfare Allowance granted by the Executive, and for this purpose may require a person who is a liable relative, or the liable relative's employer, to provide information and to produce documents relating to the liable relative as the Executive may reasonably require. A liable relative or his or her employer who fails to comply with any such request is guilty of an offence and is liable on summary conviction, to a fine of up to €1,500 and on conviction on indictment, to a fine of up to €13,000.

PART 13

Commencements, Repeals and Continuance

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Commencements, Repeals and Continuance

Commencements, Repeals and Continuance (Sections 360 – 364)

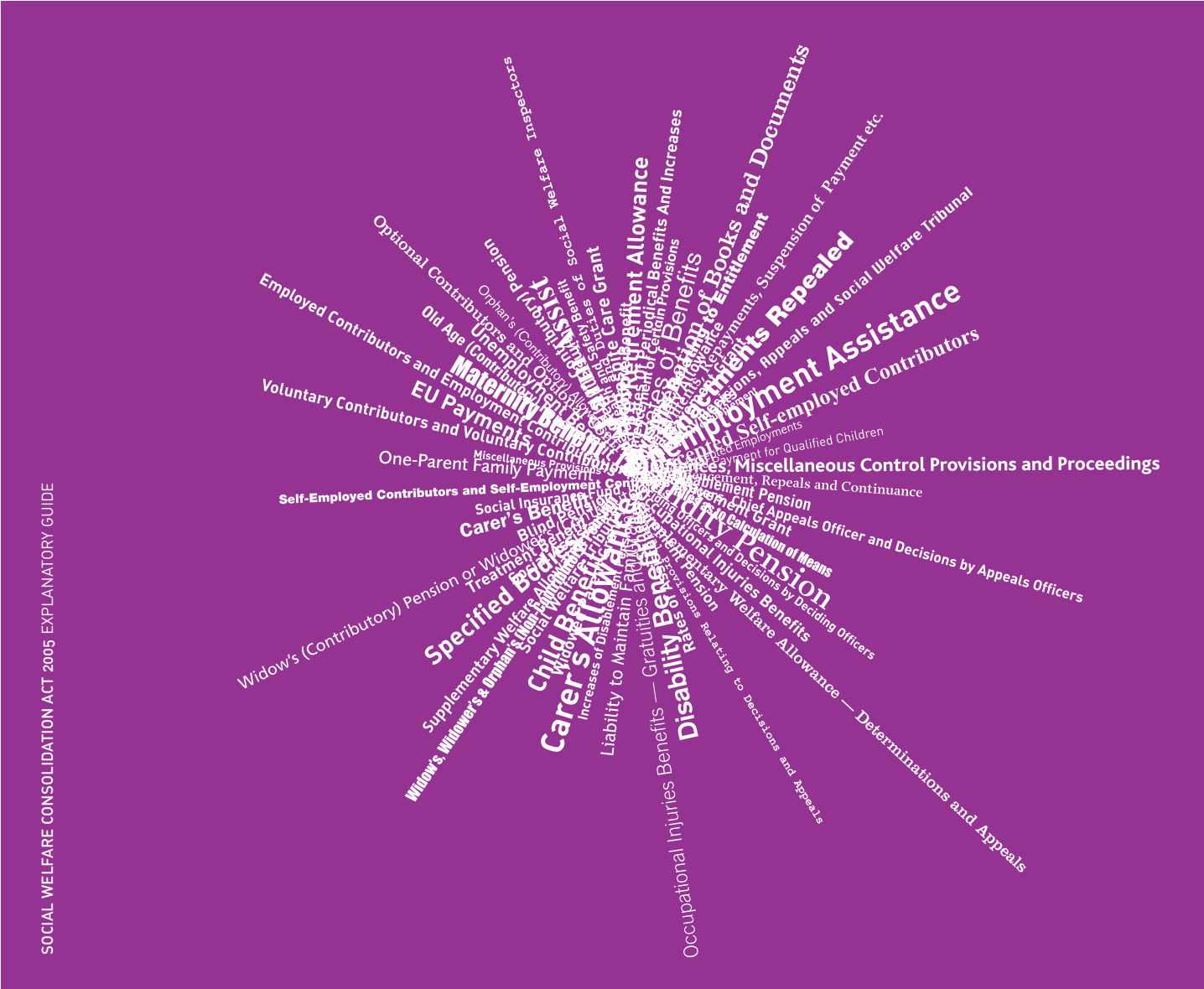
→ Repeals

The enactments listed in Schedule 7 are repealed to the extent detailed in the Schedule, but this does not affect the application of the provisions in relation to social welfare schemes.

The continuity of officers appointed, instruments made or documents issued under repealed legislation are provided for.

Provision is made for commencement of the Act, and the uncommenced provisions contained in Schedule 6, by way of Ministerial commencement order.

SCHEDULES



SCHEDULES

→ SCHEDULE 1: Employments, Excepted Employments and Excepted Self-Employed Contributors

Part 1 lists the employments which are insurable for the purposes of the social welfare code.

Part 2 lists the employments which are not insurable for the purposes of the social welfare code.

Part 3 lists the types of self-employment which are not insurable for the purposes of the social welfare code.

→ SCHEDULE 2: Rates of Benefit

Part 1 lists the weekly payment rates of social insurance benefits, and, where applicable, the amounts of increases in respect of a qualified adult, qualified children, Prescribed Relative Allowance, Living Alone Allowance, recipients over age 80 and Island Allowance.

Part 2 lists the gratuities and grant payable under the Occupational Injuries Benefit scheme.

Part 3 lists the weekly rates of Disablement Pension.

Part 4 lists the weekly increases of Disablement Pension.

Part 5 specifies the amount of Bereavement Grant.

→ SCHEDULE 3: Rules as to calculation of means

Part 1 lists certain terms used throughout the Schedule.

Part 2 lists the items which are taken into account when assessing a person's means for the purpose of determining entitlement to Unemployment Assistance, Pre-Retirement Allowance, Disability Allowance and Farm Assist.

Part 3 lists the items which are taken into account when assessing a person's means for the purpose of determining entitlement to Old Age (Non-Contributory) Pension, Blind Pension, Widow's or Widower's (Non-Contributory) Pension, Orphan's (Non-Contributory) Pension, One-Parent Family Payment and Carer's Allowance.

Part 4 lists the items which are taken into account when assessing a person's means for the purpose of determining entitlement to Supplementary Welfare Allowance.

Table 1 details the formula used to calculate the weekly value of a person's property for the purpose of determining entitlement to all schemes under Parts 2 and 3 of this Schedule.

Table 2 lists certain items which are excluded for the purpose of assessment in relation to means-tested social welfare schemes.

→ SCHEDULE 4: Rates of Assistance

Part 1 lists the weekly rates of assistance payments, and where appropriate, increases in respect of a qualified adult, qualified children, Prescribed Relative's Allowance, Living Alone Allowance, recipients over age 80 and Island Allowance.

Part 2 lists the weekly rates of qualified adult increase for Blind Pension where the recipient and his or her spouse are both aged 66 years or over.

Part 3 lists the weekly rates of qualified adult increase for Blind Pension where the recipient and his or her spouse are both aged under 66 years.

Part 4 lists the weekly rate of qualified adult increase for Blind Pension where the recipient is under age 66 and the qualified adult is over that age.

Part 5 lists the weekly rate of qualified adult increase for Blind Pension where the recipient is aged over 66 years and the qualified adult is under that age.

Part 6 sets out the amounts of Child Benefit payable for each of the first two children, and the amount payable for the third and any subsequent child.

→ SCHEDULE 5: Specified bodies

This Schedule lists the bodies which are authorised to use the Personal Public Service Number, for the purposes of any transaction a person may have with a specified body.

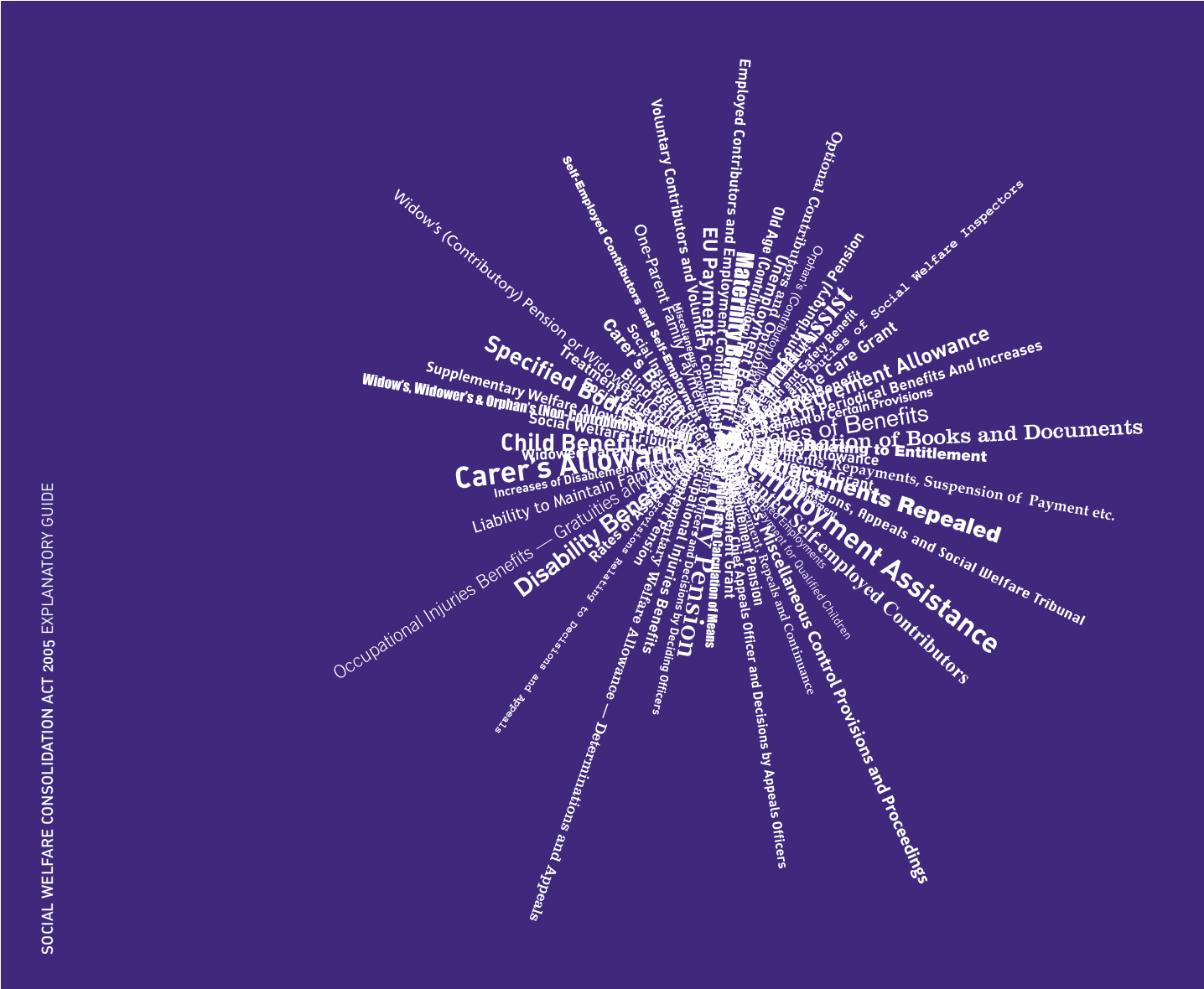
→ SCHEDULE 6: Commencement of certain provisions

This Schedule contains the social welfare provisions which have been enacted but which have not yet come into effect. The Act provides that these provisions, apart from Paragraph 3, will come into operation on dates to be designated by the Minister. Paragraph 3 will come into effect on 6 April 2012.

→ SCHEDULE 7: Enactments repealed

This Schedule lists the Acts repealed by the Act.

APPENDIX



APPENDIX

→ Information Booklets

The services dealt with in this Guide are covered in greater detail in the Department's comprehensive range of leaflets and booklets. These are available free of charge from any local Social Welfare Office or from the Department's Information Service. **Telephone: LoCall Leaflet Line 1890 20 23 25**

Subject	Ref. Number
A Guide to Social Welfare Services	SW 4
A Guide to Appeals Hearings	SW 53
Adoptive Benefit	SW 37
Appeals Office, An Introductory Guide	SW 56
Back to Education Programme	SW 70
Back to Work Allowance (Employees)	SW 93
Back to Work Enterprise Allowance	SW 92
Back to School Clothing and Footwear Allowance	SW 75
Bereavement Grant	SW 47
Bilateral Social Security Agreements:	
Irish/Austrian Social Security Agreement	SW 79
Irish/Australian Social Security Agreement	SW 87
Irish/Canadian Social Security Agreement	SW 84
Irish/New Zealand Social Security Agreement	SW 95
Irish/Québec Social Security Agreement	SW 96
Irish/Swiss Social Security Agreement	SW 97
Irish/United States Social Security Agreement	SW 91
Blind Pension	SW 76
Carer's Allowance	SW 41
Carer's Benefit	SW 49
Child Benefit	SW 42
Comments? Complaints?	SW 104
Credited Contributions (PRSI Credits)	SW 12
Death Benefit (Under the Occupational Injuries Benefits Scheme)	SW 32

Subject	Ref. Number
Directory of Services for the Ill and Incapacitated	SW 110
Disability Allowance	SW 29
Disability Benefit	SW 9
Disability/Occupational Injury Benefit Late Claims	SW 101
Disablement Benefit	SW 31
Employees' Guide to PRSI	SW 23
Employers' Guide to PRSI	SW 3
Employers' PRSI Exemption Scheme	SW 73
Employers – PRSI is your responsibility	SW 88
Equal Treatment Arrears	SW 77
Families First	SW 68
Family Employment and PRSI	SW 102
Family Income Supplement	SW 22
Farm Assist	SW 27
Free Travel	SW 40
Fuel – National Fuel Scheme	SW 17
Fuel – Smokeless Fuel Allowance	SW 17a
Giving up work because of ill-health	SW 20
Grants for Marriage Counselling and Child Counselling	SW 86
Guide to PRSI for the Self-Employed	SW 74
Habitual Residence Condition	SW 110
Health and Safety Benefit	SW 21
Homemakers Scheme	SW 1
Household Benefits Package – Electricity/Gas, Telephone Allowance & Free TV Licence	SW 107
Injury Benefit (under the Occupational Injuries Benefits Scheme)	SW 30
Invalidity Pension	SW 44
Living Alone Allowance	SW 36
Maternity Benefit	SW 11
Medical Care (under the Occupational Injuries Benefits Scheme)	SW 34
Old Age Contributory Pension	SW 18
Old Age Contributory Pension, A guide to working it out	SW 112
Old Age Non-Contributory Pension	SW 16
One-Parent Family Payment	SW 82

Subject

Ref. Number

Orphan's Contributory Allowance and Non-Contributory Pension	SW 48
Part-time Job Incentive Scheme	SW 69
Pensioners and Savings	SW 60
Pensioners, Checklist for	SW 10
Personal Public Service Number - PPS No.	SW 100
Prescribed Occupational Diseases	SW 33
Pre-Retirement Allowance	SW 80
PRSI and non-PAYE Employees	SW 63
Rates of Payment Booklet	SW 19
Rates of PRSI Contributions	SW 14
Recovery of Social Welfare Overpayments	SW 2
Rent Allowance - De-control of Rents	SW 58
Rent Allowance Formula	SW 58a
Respite Care Grant	SW 113
Retirement Pension	SW 18
Retirement Pension, A guide to working it out	SW 111
Supplementary Welfare Allowance	SW 54
Supplementary Welfare Allowance – Code of Practice	SW 94
Treatment Benefit	SW 24
Unemployed People, Guide for	SW 65
Voluntary Contributions	SW 8
Volunteer Development Workers Scheme	SW 15
Widow Parent Grant	SW 114
Widow's or Widower's Contributory Pension	SW 25
Widow's or Widower's Non-Contributory Pension	SW 26
Worksharing	SW 105
Your Right to Access your Social Welfare Records	SW 89

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