



Number 7 of 1996

SOCIAL WELFARE ACT, 1996

AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE ACTS, SECTIONS 7A AND 11 OF THE HEALTH CONTRIBUTIONS ACT, 1979, SECTIONS 18A AND 22 OF THE YOUTH EMPLOYMENT AGENCY ACT, 1981, AND SECTION 5 OF THE COMBAT POVERTY AGENCY ACT, 1986, AND TO REPEAL SECTION 69 OF THE HEALTH ACT, 1970. [3rd April, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Social Welfare Act, 1996. Short title and construction.

(2) The Social Welfare Acts and this Act (other than *Parts X and XI* and *section 15 (5)*) shall be construed together as one.

2.—In this Act— Definitions.

“the Principal Act” means the Social Welfare (Consolidation) Act, 1993;

“the Act of 1994” means the Social Welfare Act, 1994;

“the Act of 1995” means the Social Welfare Act, 1995;

“the No. 2 Act of 1995” means the Social Welfare (No. 2) Act, 1995.

PART II

INCREASES

3.—(1) The Principal Act is hereby amended by the substitution for Parts I to IV (inserted by section 3 of the Act of 1995) of the Second Schedule thereto of the Parts set out in *Schedule A* to this Act. Social insurance benefits (new rates).

(2) This section shall come into operation—

(a) in so far as it relates to unemployment benefit, on the 6th day of June, 1996,

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- (b) in so far as it relates to disability benefit, health and safety benefit, injury benefit, disablement gratuity and disablement pension, on the 10th day of June, 1996,
- (c) in so far as it relates to retirement pension, invalidity pension and deserted wife's benefit, on the 13th day of June, 1996, and
- (d) in so far as it relates to death benefit under section 60, 61, 62 or 63 of the Principal Act, old age (contributory) pension, survivor's pension and orphan's (contributory) allowance, on the 14th day of June, 1996.

Social assistance payments (new rates).

4.—(1) The Principal Act is hereby amended by the substitution for Parts I and II (inserted by section 4 of the Act of 1995) of the Fourth Schedule thereto of the Parts set out in *Schedule B* to this Act.

(2) This section shall come into operation—

- (a) in so far as it relates to unemployment assistance, on the 5th day of June, 1996,
- (b) in so far as it relates to supplementary welfare allowance, on the 10th day of June, 1996,
- (c) in so far as it relates to pre-retirement allowance, deserted wife's allowance, prisoner's wife's allowance, lone parent's allowance (other than lone parent's allowance payable in respect of a widow or widower), carer's allowance and prescribed relative allowance, on the 13th day of June, 1996, and
- (d) in so far as it relates to old age (non-contributory) pension, blind pension, widow's (non-contributory) pension, lone parent's allowance payable in respect of a widow or widower and orphan's (non-contributory) pension, on the 14th day of June, 1996.

Child benefit (new rates, etc.).

5.—(1) The Fourth Schedule to the Principal Act is hereby amended by the substitution for Part III (inserted by section 5 of the Act of 1995) of the following Part:

“PART III

AMOUNTS OF CHILD BENEFIT

Amount for each of first 2 children (1)	Amount for each child in excess of 2 (2)
£29	£34

”.

(2) *Subsection (1)* of this section shall come into operation on the 1st day of September, 1996.

(3) Section 194 (as amended by section 5 of the Act of 1994) of the Principal Act is hereby amended by—

- (a) the substitution in subsection (4) of “£500” for “£200”,

(b) the insertion after subsection (6) of the following subsection: Pr.II S.5

“(6A) Subject to this Act, a person, other than a person to whom subsection (2) applies, who is qualified for child benefit shall be paid a grant in respect of twins (being qualified children) of £500 on the 4th and 12th anniversary of the birth of the last-born of the twins.”, and

(c) the insertion in subsection (7) after “subsection (3)” of “or subsection (6A)”.

(4) *Subsection (3)* of this section shall apply in the case of twins (being qualified children) who are born or attain the age of 4 years or 12 years, as the case may be, on or after the 1st day of January, 1996.

(5) Section 192 of the Principal Act is hereby amended by the substitution for subsection (2) (as amended by section 5 of the Act of 1995) of the following subsection:

“(2) Notwithstanding subsection (1), a child who resides with a qualified person and such person’s spouse while the qualified person or such person’s spouse—

- (a) being a member of the Defence Forces or a civil servant in the civil service of the Government or the State, is in the service, outside the State, of the Government, the State or an international organisation,
- (b) is a volunteer development worker, or
- (c) is an insured person employed outside the State in respect of whom employment contributions under Part II are payable in accordance with regulations made under section 25,

shall be a qualified child for the purposes of this Part.”.

6.—(1) The Principal Act is hereby amended by the substitution for section 198 (inserted by section 6 of the Act of 1994) of the following section: Family income supplement (new weekly rates).

“Entitlement to supplement.

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

- (a) in the case of a family which includes only 1 child, £195,
- (b) in the case of a family which includes 2 children, £215,
- (c) in the case of a family which includes 3 children, £235,
- (d) in the case of a family which includes 4 children, £255,

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- (e) in the case of a family which includes 5 children, £280,
- (f) in the case of a family which includes 6 children, £300,
- (g) in the case of a family which includes 7 children, £317, or
- (h) in the case of a family which includes 8 or more children, £334.”.

(2) This section shall come into operation on the 13th day of June, 1996.

Continued payment for qualified children.

7.—(1) The Principal Act is hereby amended by the insertion after Part V of the following Part:

“PART VA

CONTINUED PAYMENT FOR QUALIFIED CHILDREN

Entitlement to payment.

203A.—(1) Subject to this Act, a continued payment for qualified children (in this Part referred to as a ‘continued payment’) shall be payable out of moneys provided by the Oireachtas to a person, other than a person who is engaged in short-time employment, who—

- (a) has been in receipt of unemployment benefit, unemployment assistance, or unemployment benefit and unemployment assistance for not less than 312 days in—
 - (i) a period of interruption of employment, within the meaning of section 42 (4) (c), where the person is in receipt of unemployment benefit, or
 - (ii) a continuous period of unemployment, within the meaning of section 120 (3), where the person is in receipt of unemployment assistance,
 in the immediately preceding period,
- (b) is in receipt of unemployment benefit or unemployment assistance which includes an increase in respect of at least one qualified child, who normally resides with the person, and is not a person to whom section 45 (3) or section 124 (1) (as the case may require) applies, and
- (c) ceases to be entitled to unemployment benefit or unemployment assistance

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by virtue of having become engaged in employment which is expected to continue for a period of a minimum of 4 weeks. Pt.II S.7

(2) In this Part, 'employment' means insurable employment or insurable self-employment, other than—

(a) employment under a scheme administered by An Foras Áiseanna Saothair and known as Community Employment,

(b) employment under any scheme which is funded by An Foras Áiseanna Saothair, or

(c) employment of a seasonal nature.

Weekly rate of payment.

203B.—The weekly rate of continued payment shall be the amount payable to the person by way of an increase in unemployment benefit or unemployment assistance (as the case may require) in respect of each qualified child normally residing with the person immediately prior to that person taking up employment:

Provided that, in the case of a person who immediately prior to taking up employment was in receipt of unemployment assistance, if the rate calculated pursuant to this section exceeds the rate of unemployment assistance which was payable to the person, the continued payment shall be payable at the said rate of unemployment assistance.

Period of payment.

203C.—A continued payment shall be payable for the period during which the person is engaged in employment, up to a maximum of 13 weeks, beginning on the date on which it is receivable in accordance with regulations and the weekly rate of continued payment shall not be affected by any change of circumstances during that period.

Disqualification.

203D.—(1) Except as provided for in subsection (2), receipt of a continued payment by a person shall be a disqualification for the receipt by that person of family income supplement.

(2) Where a person is in receipt of or entitled to a continued payment and would but for subsection (1) be qualified for the receipt of family income supplement, the person may be paid the family income supplement for any period during which the rate of supplement payable would be greater than the rate of continued payment and the Minister may reduce any such supplement which is or may become payable to such person by the amount of the continued payment which shall be treated as having been paid on account of the family income supplement.

203E.—(1) The Minister may make regulations for the purpose of giving effect to this Part.

(2) Regulations under this section may, in particular and without prejudice to the generality of subsection (1), require employers to furnish such information as the Minister may require for the purpose of determining a claim for a continued payment.”.

(2) Section 209 of the Principal Act is hereby amended by the insertion after subsection (7) of the following subsections:

“(7A) Where a continued payment for qualified children under Part VA is payable to a person for any period, any child who is regarded as a qualified child of that person shall not, for the said period, be regarded as a qualified child for the purposes of entitling any person to an increase in benefit or assistance under this Act.

(7B) In the case of a person who is participating in an initiative administered by the Minister and known as Back-to-Work Allowance and who is not entitled to, or in receipt of, family income supplement, any sums paid by way of a continued payment for qualified children under Part VA shall be treated as paid on account of the allowance payable under the Back-to-Work Allowance initiative.”.

(3) Each provision of the Principal Act mentioned in *column (1)* of *Schedule C* to this Act is hereby amended in the manner specified in *column (2)* of that Schedule opposite the mention of that provision in *column (1)*.

(4) This section shall come into operation on such day as the Minister may appoint by order.

PART III

SOCIAL INSURANCE CONTRIBUTIONS

Employment contributions (new rates of contributions and increases in earnings ceilings).

8.—(1) Section 10 of the Principal Act is hereby amended by—

(a) the substitution in subsection (1) (b) of “£80” for “£50” (inserted by section 6 of the Act of 1995),

(b) the substitution in subsection (1) (c) of “£22,300” for “£21,500” (inserted by section 6 of the Act of 1995),

(c) the substitution in subsection (1) (d) (inserted by section 7 of the Act of 1994) of—

(i) “8.5 per cent.” for “9 per cent.”,

(ii) “12 per cent.” for “12.2 per cent.”, and

(iii) “£250” for “£231” (inserted by section 6 of the Act of 1995) in both places where it occurs,

(d) the substitution in subsection (1) (e) of “£26,800” for “£25,800” (inserted by section 7 of the Act of 1994), and

(e) the deletion of subsection (7).

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(2) This section shall come into operation on the 6th day of April, 1996.

9.—(1) Section 18 (1) (as amended by section 7 of the Act of 1995) of the Principal Act is hereby amended by—

Self-employment contributions (new rates of contributions and increase in earnings ceiling).

(a) the substitution in paragraphs (a) and (c) of “£1,040” for “£520” in each place where it occurs,

(b) the substitution in paragraphs (a), (c) and (h) of “£215” for “£230” in each place where it occurs, and

(c) the substitution in paragraph (d) of “£22,300” for “£21,500”.

(2) This section shall come into operation on the 6th day of April, 1996.

10.—(1) Section 24B (1) of the Principal Act is hereby amended by the substitution of “£1,040” for “£520” (inserted by section 8 of the Act of 1995).

Optional contributions (new rates of contributions).

(2) This section shall come into operation on the 6th day of April, 1996.

11.—(1) Section 23 of the Principal Act is hereby amended by the substitution in subsection (1) of “£215” for “£230” (inserted by section 9 of the Act of 1995).

Voluntary contributions by former self-employed contributors.

(2) This section shall come into operation on the 6th day of April, 1996.

12.—(1) The Principal Act is hereby amended by—

Insurable employment.

(a) the insertion in Part I of the First Schedule after paragraph 11 of the following paragraph:

“12. Employment under a scheme administered by An Foras Áiseanna Saothair and known as Community Employment or employment under a programme known as the Part Time Job Opportunities Programme administered by or on behalf of the Conference of Religious of Ireland, where—

(a) the said employment commences on or after the 6th day of April, 1996, or

(b) in any other case, where, subject to such conditions and in such circumstances as may be prescribed, the person employed in either of the said employments, elects to be an employed contributor within the meaning of section 9 (1) (a).”

(b) the insertion in paragraph 6 of Part II of the First Schedule (as amended by section 18 of the Act of 1995) after “Community Employment” of “, where the said employment commenced before the 6th day of April, 1996.”

(c) the insertion in section 50(11) (as amended by section 18 of the Act of 1995) after “insurable (occupational injuries) employment” of “, where the person’s said employment commenced before the 6th day of April, 1996”

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(d) the substitution in section 10 (1) (d) (as amended by *section 8* of this Act) of “Subject to paragraphs (e) and (f), subsection (7)” for “Subject to paragraphs (e) and (f)”, and

(e) the insertion after section 10 (6) of the following subsection:

“(7) In the case of employment specified in paragraph 12 of Part I of the First Schedule, subsection (1) (d) shall be construed as if ‘0.5 per cent.’ were substituted for ‘8.5 per cent.’ and ‘12 per cent.’.”

(2) Section 11 (1) of the Principal Act is hereby amended by the insertion after paragraph (a) of the following paragraph:

“(aa) in such cases as may be prescribed, persons employed in Bord Telecom Éireann, or”.

PART IV

DISABILITY ALLOWANCE

Disability allowance.

13.—Part III of the Principal Act is hereby amended by the insertion after Chapter 11 of the following Chapter:

“CHAPTER 12

DISABILITY ALLOWANCE

Interpretation.

191A.—(1) In this Chapter—

‘institution’ means a hospital, convalescent home or home for people suffering from physical or mental disability or ancillary accommodation, nursing home for the care and maintenance of dependent elderly people and any other similar establishment providing residence, maintenance or care where the cost of a person’s maintenance therein is being met in whole or in part by or on behalf of a health board;

‘weekly means’ means the yearly means divided by 52:

Provided that the amount so calculated shall be rounded up to the nearest £1 where it is a multiple of 50p but not also a multiple of £1 and shall be rounded to the nearest £1 where it is not a multiple of 50p or £1.

(2) In this Chapter, references to means shall be construed as references to means as calculated in accordance with the Rules contained in Part I of the Third Schedule.

Entitlement to allowance.

191B.—(1) Subject to this Act, an allowance (‘disability allowance’) shall be payable to a person—

(a) who has attained the age of 16 years but has not attained pensionable age,

(b) who is by reason of a specified disability substantially handicapped in undertaking employment (in this Chapter referred to as ‘suitable employment’)

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of a kind which if the person was not suffering from that disability, would be suited to that person's age, experience and qualifications, whether or not the person is availing of a service for the training of disabled persons under section 68 of the Health Act, 1970, and

- (c) whose weekly means, subject to subsection (2), do not exceed the amount of disability allowance (including any increases thereof) which would be payable to the person under this Chapter if that person had no means.

(2) Where the spouse of a claimant for disability allowance is not the claimant's adult dependant, the means of the claimant shall be taken to be one-half the means.

(3) A person shall not be entitled to receive disability allowance for any period during which that person is resident in an institution, except and in so far as that person is undergoing medical or other treatment of a temporary nature therein for a period not exceeding 13 weeks.

(4) The conditions under which a person shall be regarded for the purposes of this section as being substantially handicapped in undertaking suitable employment by reason of a specified disability shall be specified by regulations.

Rate of allowance
(including increases
for adult and child
dependants).

191C.—(1) The rate (in this Chapter referred to as 'the scheduled rate') of disability allowance shall be the weekly rate set out in column (2) of Part 1 of the Fourth Schedule increased by—

- (a) the amount set out in column (3) of that Part for any period during which the claimant or beneficiary has an adult dependant, subject to the restriction that, except where regulations otherwise provide, the claimant or beneficiary shall not be entitled to an increase under this paragraph in respect of more than one person, and
- (b) the appropriate amount set out in column (4) of that Part in respect of each qualified child who normally resides with the claimant or beneficiary.

(2) Disability allowance shall be payable—

- (a) where the weekly means of the claimant or beneficiary do not exceed £2, at the scheduled rate, and
- (b) where such weekly means exceed £2, at the scheduled rate reduced by £2 for each amount (if any) of £2 by which those weekly means exceed £2, any fraction of £2 in those weekly means being treated for this purpose as £2:

Provided that, if the rate calculated pursuant to this paragraph at which, but for this proviso, the allowance would be payable is less than £2, the allowance shall not be payable.

(3) Any increase of disability allowance payable pursuant to subsection (1) (b) in respect of a qualified child who normally resides with the claimant or beneficiary and with the spouse of the claimant or beneficiary shall be payable at the rate of one-half of the appropriate amount in any case where the spouse of the claimant or beneficiary is not an adult dependant and subsection (1) (b) shall be construed and have effect accordingly.

Disqualification.

191D.—Regulations may provide for disqualifying a person for receiving disability allowance if that person fails without good cause to attend for or to submit himself or herself to such medical or other examination as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.

Total amount payable to couple.

191E.—(1) Where one of a couple is entitled to disability benefit, unemployment benefit, injury benefit, disablement pension, old age (contributory) pension, old age (non-contributory) pension, retirement pension or invalidity pension and the other is entitled to disability allowance, the total of the amount payable to them by way of such benefit or pension, as the case may be, and such disability allowance (in this subsection referred to as 'the relevant amount') shall not exceed the total amount of benefit or pension, as the case may be, or the total amount of disability allowance, whichever is the greater (in this subsection referred to as 'the greater amount') that would be payable if only one of the couple were in receipt of benefit, pension or disability allowance, as the case may be, and the benefit, pension or disability allowance included an increase in respect of the other as his adult dependant; and, if the relevant amount would but for this subsection exceed the greater amount, the amount of disability allowance payable to the spouse who is entitled to such disability allowance shall be reduced by the amount of the excess.

(2) Where one of a couple is entitled to unemployment assistance or pre-retirement allowance and the other is entitled to disability allowance, the total amount payable to them pursuant to this Act shall not exceed the amount which would be payable if only one of them was entitled to be paid unemployment assistance, pre-retirement allowance or disability allowance, as the case may be, and the other was an adult dependant, and each of them shall be entitled to be paid one-half of the amount which would be payable to him if the other were his adult dependant.

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(3) In this section—

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‘couple’ means a married couple who are living together or a man and woman who are not married to each other but are cohabiting as husband and wife;

‘spouse’ means each person of a couple in relation to the other.”.

14.—(1) Notwithstanding Chapter 12 (inserted by *section 13* of this Act) of Part III of the Principal Act, where, immediately before the commencement of this Part, a person is in receipt of a maintenance allowance provided for under section 69 of the Health Act, 1970, disability allowance shall be payable to that person on and from that commencement at a rate not less than the rate of maintenance allowance which is payable to him immediately before that commencement. Transitional provisions.

(2) Any determination by an officer of a health board in relation to the award of a maintenance allowance to a person under section 69 of the Health Act, 1970, before the commencement of this Part shall be deemed to be a decision by a deciding officer to award disability allowance to such person on and from that commencement.

(3) Where immediately before the commencement of this Part, a person has applied for a maintenance allowance under section 69 of the Health Act, 1970, and that application has not been finally determined, any such application shall be deemed to be an application for disability allowance.

15.—(1) The Principal Act is hereby amended by—

Amendments consequential on *section 13* and repeal.

(a) the insertion in section 118 (1) after paragraph (j) of the following paragraph:

“(k) disability allowance.”, and

(b) the insertion in Part I of the Fourth Schedule (inserted by *section 4* of this Act) after the rate of assistance contained at reference 8 of the following rates:

“9. | Disability Allowance ... | 64.50 | 38.50 | 13.20 | — | — | —”.

(2) Section 210 of the Principal Act is hereby amended by—

(a) the insertion in the definition of “benefit” in subsection (1) (as amended by section 13 of the Act of 1994) after paragraph (k) of the following paragraph:

“(kk) disability allowance,”

(b) the substitution in paragraph (a) of subsection (2) for “to (k)” of “to (kk)”, and

(c) the substitution in paragraph (c) (inserted by section 26 of the Act of 1994) of subsection (2) for “and (k)” of “to (kk)”.

(3) (a) Rule 1 of Part I of the Third Schedule to the Principal Act is hereby amended by—

- (i) the insertion in paragraph (1)(as amended by section 23 of the Act of 1995) before “other than in such circumstances” of “subject to paragraph (1A),” and
- (ii) the insertion after paragraph (1) of the following paragraph:

“(1A) In the application of paragraph (1) for the purposes of disability allowance, the yearly value of the property shall be calculated as follows:

- (a) the first £2,000 of the capital value of the property shall be excluded,
 - (b) the yearly value of the next £20,000 of the capital value of the property shall be assessed at 7.5 per cent., and
 - (c) the yearly value of so much of the capital value of the property as exceeds £22,000 shall be assessed at 15 per cent.”.
- (b) Paragraph (2)(as amended by *section 23* of this Act) of Rule 1 of Part I of the Third Schedule to the Principal Act is hereby amended by—

- (i) the insertion in subparagraphs (a) and (s) before “all moneys” of “other than in the case of disability allowance,”,
- (ii) the insertion in subparagraph (q) (inserted by section 11 of the No. 2 Act of 1995) before “any moneys” of “other than in the case of disability allowance,”,
- (iii) the insertion in subparagraph (m) before “such amount” of “other than in the case of disability allowance,”,
- (iv) the insertion in subparagraph (p) before “such income” of “other than in the case of disability allowance,”, and
- (v) the insertion after subparagraph (s) of the following subparagraph:

“(t) in the case of disability allowance—

- (i) any sums received by way of assistance in the maintenance at home of handicapped children under section 61 of the Health Act, 1970 and known as domiciliary care allowance,
- (ii) such amount as may be prescribed of earnings from employment of a rehabilitative nature,
- (iii) such amount as may be prescribed of all moneys earned by his spouse from insurable employment, and

(iv) such other income as may be prescribed;” Pt.IV S.15

(c) Paragraph (4) of Rule 1 of Part I of the Third Schedule to the Principal Act is hereby amended by the substitution for “receipt of unemployment assistance” of “receipt of disability allowance, unemployment assistance”.

(d) Paragraph (5) of Rule 1 of Part I of the Third Schedule to the Principal Act is hereby amended by the insertion before “the yearly value” of “other than in the case of disability allowance,”.

(4) Each provision of the Principal Act mentioned in *column (1)* of *Schedule D* to this Act is hereby amended in the manner specified in *column (2)* of that Schedule opposite the mention of that provision in *column (1)*.

(5) Section 69 of the Health Act, 1970, is hereby repealed.

16.—This Part shall come into operation on such day as the Minister may appoint by order. Commencement (Part IV).

PART V

ONE-PARENT FAMILY PAYMENT

17.—(1) The Principal Act is hereby amended by the substitution for Chapter 9 of Part III of the following Chapter: One-parent family payment.

“CHAPTER 9

ONE-PARENT FAMILY PAYMENT

Interpretation.

157.—(1) In this Chapter—

‘qualified parent’ means, subject to regulations under section 162—

- (a) a widow,
- (b) a widower,
- (c) a separated spouse,
- (d) an unmarried person, or
- (e) a person whose spouse has been committed in custody to a prison or place of detention for a period of not less than 6 months,

who has at least one qualified child normally residing with that person;

‘weekly means’ means the yearly means divided by 52.

(2) For the purposes of this Chapter—

- (a) means shall be calculated in accordance with the Rules contained in Part II of the Third Schedule, and

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(b) a widow who has remarried shall not be regarded as the widow of her former husband and a widower who has remarried shall not be regarded as the widower of his former wife.

Entitlement to payment.

158.—(1) Subject to this Act and to regulations made under this Act, a payment shall be payable to a qualified parent ('one-parent family payment').

(2) A one-parent family payment payable to a qualified parent shall, subject to this Act, continue to be payable unless the qualified parent marries or remarries, as the case may be, and in such a case the one-parent family payment shall cease as and from the date of marriage or remarriage, as the case may be.

(3) Subject to this Act, a one-parent family payment shall not be payable to a qualified parent whose gross earnings (including wages or profit from any form of self-employment) exceed £12,000 in the last complete income tax year or in such subsequent period as a deciding officer or an appeals officer may consider appropriate.

(4) Regulations may, subject to such conditions and in such circumstances and for such periods as may be prescribed, entitle to one-parent family payment a qualified parent who, having been in receipt of the said payment, ceases to be entitled thereto by virtue of having earnings in excess of the amount specified in subsection (3).

(5) Regulations under subsection (4) shall provide that one-parent family payment payable by virtue thereof shall be payable at a rate less than that specified in the Fourth Schedule and the rate specified by the regulations may vary with the extent to which the person's earnings exceed the amount specified in subsection (3).

Rate of allowance and increases for child dependants.

159.—(1) The rate (in this section referred to as 'the scheduled rate') of one-parent family payment shall be the weekly rate set out in column (2) of Part I of the Fourth Schedule increased by the appropriate amount set out in column (4) of that Part in respect of each qualified child who normally resides with the beneficiary.

(2) A one-parent family payment shall be payable—

(a) where the weekly means of the claimant or beneficiary do not exceed £6, at the scheduled rate, and

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- (b) where such weekly means exceed £6, at the scheduled rate reduced by £2 for each amount (if any) of £2 by which those weekly means exceed £6, any fraction of £2 in those weekly means being treated for this purpose as £2: Pr.V S.17

Provided that, if the rate calculated pursuant to this paragraph at which, but for this proviso, the one-parent family payment would be payable is less than £2, the payment shall not be payable.

- (3) The weekly rate of one-parent family payment shall be increased by the amount set out in column (7) of Part I of the Fourth Schedule where the beneficiary has attained the age of 80 years.

Disqualification.

160.—A qualified parent shall not, if and so long as that parent and any person are cohabiting as husband and wife, be entitled to and shall be disqualified for receiving payment of one-parent family payment.

Continuation of payment.

161.—In the case of a qualified parent to whom section 157 (1) (e) applies, one-parent family payment shall continue to be paid for a period of four weeks after the release of that parent's spouse from a prison or place of detention.

Regulations.

162.—The Minister shall make regulations in relation to one-parent family payment and the regulations may, in particular and without prejudice to the generality of the foregoing, specify the circumstances in which, for the purposes of this Chapter—

- (a) a person is to be regarded as being a separated spouse,
- (b) a person is to be regarded as being an unmarried person.”.

(2) Paragraph (4) of Rule 1 of Part II of the Third Schedule to the Principal Act is hereby amended by—

- (a) the substitution for subparagraph (jj) (as amended by section 37 of this Act) of the following subparagraph:

“(jj) in the case of a qualified parent, within the meaning of section 157, who has earnings (including wages and profit from any form of self-employment), an annual amount of such gross earnings of £6,000 together with one-half of the amount of that parent’s gross earnings, if any, in excess of that amount,”

and

(b) the insertion after subparagraph (s) (inserted by section 37 of this Act) of the following subparagraph:

“(t) for the purposes of one-parent family payment, any moneys received by way of maintenance payments (including maintenance payments made to or in respect of a qualified child) except and in so far as they exceed the annual housing costs actually incurred by the qualified parent, subject to such maximum amount as shall be prescribed and for this purpose—

‘housing costs’ means rent or repayment of a loan entered into solely for the purpose of defraying money employed in the purchase, repair or essential improvement of the residence in which the qualified parent is, for the time being, residing; and

‘maintenance payments’ means any payment received under or pursuant to such maintenance arrangement as may be prescribed.”.

(3) Rule 1 of Part II of the Third Schedule to the Principal Act is hereby amended by—

(a) the substitution for paragraph (2) of the following paragraphs:

“(2) In the application of paragraph (1) for the purposes of one-parent family payment, the following subparagraphs shall be substituted for subparagraphs (a), (b) and (c) of that paragraph:

(a) the first £2,000 of the capital value of the property shall be excluded, and

(b) the yearly value of the next £20,000 of the capital value of the property shall be assessed at 7.5 per cent., and

(c) the yearly value of so much of the capital value of the property as exceeds £22,000 shall be assessed at 15 per cent.

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(2A) In the application of paragraph (1) for the purposes of widow's (non-contributory) pension, orphan's (non-contributory) pension, deserted wife's allowance and prisoner's wife's allowance, the following subparagraphs shall be substituted for subparagraphs (a), (b) and (c) of that paragraph: Pr.V S.17

(a) the first £200 of the capital value of the property shall be excluded, and

(b) the yearly value of any remainder of the capital value of the property shall be taken to be one-twentieth part of such remainder.”,

and

(b) the deletion in paragraph (3) of “, lone parent's allowance”.

(4) Section 298 of the Principal Act is hereby amended by the insertion in subsections (1) and (2) of “Subject to regulations,” before “A person” in each place where those words occur.

(5) Notwithstanding Chapter 9 of Part III of the Principal Act (inserted by *subsection (1)* of this section) where, immediately before the commencement of this section, a person is in receipt of lone parent's allowance by virtue of section 158 of the Principal Act, one-parent family payment shall be payable to that person on that commencement at a rate not less than the rate of lone parent's allowance which is payable to that person immediately before that commencement.

(6) Any decision made by a deciding officer or by an appeals officer in relation to the award of lone parent's allowance before the commencement of this section shall be deemed to be a decision to award one-parent family payment to such person on and from that commencement.

(7) Where, immediately before the commencement of this section, a person has applied for lone parent's allowance and that application has not been finally determined, any such application shall be deemed to be an application for one-parent family payment.

(8) Where, immediately before the commencement of this section, a person—

(a) is in receipt of lone parent's allowance, or

(b) has applied for lone parent's allowance and that application has not been finally determined,

the provisions of this section and regulations made under Rule 1 (4) of Part II of the Third Schedule to the Principal Act relating to the assessment of income received by a qualified child and non-cash benefits, shall not, for the duration of that person's continuous entitlement to one-parent family payment, have the effect of reducing the rate of that one-parent family payment below the rate of

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lone parent's allowance payable or, in the case of a person to whom *paragraph (b)* applies, which would have been payable, immediately before the commencement.

Transitional provisions.

18.—(1) In this section a “relevant payment” means—

(a) deserted wife's benefit under Chapter 18 of Part II of the Principal Act,

(b) deserted wife's allowance under Chapter 7 of Part III of the Principal Act, or

(c) prisoner's wife's allowance under Chapter 8 of Part III of the Principal Act,

as the case may require.

(2) Notwithstanding the provisions of this Part, a woman who, immediately before the commencement of *section 19* of this Act, is in receipt of a relevant payment, the said relevant payment shall be payable for the duration of the woman's continuous entitlement to the relevant payment in accordance with the provisions of the Principal Act and regulations made thereunder.

(3) Where, immediately before the commencement of *section 19* of this Act, a woman whose claim for a relevant payment has not been finally determined, and who would, but for the commencement of the said section, have become entitled to the said relevant payment, the relevant payment shall be payable for the duration of the woman's continuous entitlement to the relevant payment in accordance with the provisions of the Principal Act and regulations made thereunder.

(4) Notwithstanding the provisions of this Part, where, a woman, being of or over the age of 38 years and under the age of 40 years on the commencement of *section 19* of this Act, has ceased or ceases to be entitled to benefit under Chapter 18 of Part II of the Principal Act by virtue of no longer having at least one qualified child residing with her, she shall, on reaching the age of 40 years, where but for this Part she would be entitled to the said benefit, again become and continue to be entitled to the said benefit, for the duration of her continuous entitlement thereto, in accordance with the provisions of the Principal Act and regulations made thereunder.

Repeals, etc.

19.—(1) Each provision of the Principal Act mentioned in *column (1)* of *Schedule E* to this Act is hereby amended in the manner specified in *column (2)* of that Schedule opposite the mention of that provision in *column (1)*.

(2) *Subsection (1)* of this section shall not have effect for the purposes of *section 18* of this Act.

(3) Every reference in the Principal Act and in any other enactment to lone parent's allowance shall be construed as a reference to one-parent family payment.

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[No. 7.]

20.—(1) Section 157(2) of the Principal Act (inserted by section 17 of this Act) is hereby amended by the insertion after paragraph (b) of the following paragraph:

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One-parent family
payment —
entitlement of
person whose
marriage has been
dissolved.

“(c) a reference to a qualified parent shall include a reference to a person who would otherwise be a qualified parent but for the fact that the person’s marriage has been dissolved, being a dissolution that is recognised as valid in the State.”.

(2) Section 8 of the No. 2 Act of 1995 is hereby repealed.

21.—This Part shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

Commencement
(*Part V*).

PART VI

UNEMPLOYMENT ASSISTANCE

22.—(1) Section 120 (as amended by section 18 of the Act of 1995) of the Principal Act is hereby amended by—

Unemployment
assistance.

(a) the substitution for subsections (1), (2) and (3) of the following subsections:

“(1) Subject to this Act, a person shall be entitled to unemployment assistance in respect of any week of unemployment if—

- (a) the person has attained the age of 18 years and has not attained pensionable age,
 - (b) the person proves unemployment in the prescribed manner, and
 - (c) the person’s weekly means, subject to subsection (2) (d), do not exceed the amount of unemployment assistance (including any increases thereof) that would be payable to the person under this Chapter if that person had no means.
- (2) (a) A person shall not be entitled to unemployment assistance in respect of the first 3 days of unemployment in any continuous period of unemployment.
- (b) For the purpose of this section, any period prior to the relevant date of application for unemployment assistance shall not be

reckoned as, or as part of, a continuous period of unemployment.

- (c) Any period during which a person is disqualified for receiving unemployment assistance shall not be reckoned in the computation of any continuous period of unemployment of such person.
- (d) Where the spouse of a claimant for unemployment assistance is not the claimant's adult dependant, the means of the claimant shall be taken to be one-half the means.

(3) In this Chapter, any 3 days of unemployment, whether consecutive or not, within a period of 6 consecutive days shall be treated as a week of unemployment and any 2 such weeks not separated by more than 52 weeks shall be treated as one continuous period of unemployment, and references in this Chapter to being continuously unemployed or continuous unemployment shall be construed accordingly.

(3A) For the purposes of this Chapter, a day shall not be treated in relation to any person as a day of unemployment unless on that day, the person—

- (a) is capable of work,
- (b) is, or by reason of the person's participation in an activity prescribed for the purposes of this subsection and subject to such conditions as may be prescribed, is deemed to be, or is exempted from being required to be, available for employment, and
- (c) is genuinely seeking, but is unable to obtain, suitable employment having regard to the person's age, physique, education, normal occupation, place of residence and family circumstances.”,

and

(b) the deletion of subsection (8).

(2) Paragraph (a) (inserted by section 16 of the Act of 1995) of section 121 (1) of the Principal Act is hereby amended by—

- (a) the substitution in subparagraph (i) for “for not less than 390 days, or” of “in respect of not less than 390 days of unemployment, or”, and
- (b) the substitution for subparagraph (ii) of the following subparagraph:
 - “(ii) immediately before the week of unemployment for which unemployment assistance is claimed, was in receipt of—

(A) lone parent's allowance, but has ceased to be entitled to such allowance by virtue of no longer

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being regarded as a lone parent within the meaning of section 157(1), or Pr.VI S.22

(B) carer's allowance, but has ceased to be entitled to such allowance by virtue of no longer being regarded as a carer within the meaning of section 163(1)."

(3) The Principal Act is hereby amended by the insertion after section 121 of the following section:

"121A.—Regulations may entitle a person to unemployment assistance in respect of a day of unemployment and the amount of unemployment assistance so payable for any such day shall be one-sixth of the appropriate weekly rate."

(4) Section 46 (as amended by section 17 of the Act of 1995) of the Principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

"(6) For the purpose of this section, where a person receives unemployment assistance in respect of any week of unemployment, within the meaning of section 120(3), which includes any day in respect of which that person is entitled to unemployment benefit, any day of unemployment in the said week shall be treated as though it were a day in respect of which unemployment benefit was paid."

(5) Section 122 of the Principal Act is hereby amended by the deletion of subsections (2) and (3).

(6) Section 2(1) of the Principal Act is hereby amended by the substitution in the definition of a "day of unemployment" for "120(6)" of "120(3A) or 120(6)".

(7) Section 127 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsections:

"(1) Subject to this Act, pre-retirement allowance shall be payable in respect of any period of retirement to a person—

- (a) who has attained the age specified by regulations but has not attained pensionable age,
- (b) whose weekly means, subject to subsection (2), do not exceed the amount of pre-retirement allowance (including any increases thereof) that would be payable to the person under this Chapter if that person had no means, and
- (c) who has been in receipt of unemployment benefit or unemployment assistance in respect of not less than 390 days of unemployment in any continuous period of unemployment in the immediately preceding period as construed in accordance with section 120(3).

(1A) In this Chapter—

'weekly means' shall be the yearly means divided by 52;

means shall be calculated in accordance with the Rules contained in Part I of the Third Schedule."

(8) Section 127(2) of the Principal Act is hereby amended by the deletion of “calculated in accordance with the Rules contained in Part I of the Third Schedule”.

(9) Section 3(12) (as amended by *section 15* of this Act) of the Principal Act is hereby amended by the insertion after—

(a) “99(3),” of “120(2)(d),” and

(b) “124(1),” of “127(2),”.

(10) Section 203A(1) of the Principal Act (inserted by *section 7* of this Act) is hereby amended by the substitution in paragraph (a) for “for not less than 312 days” of “in respect of not less than 312 days of unemployment”.

(11) Rule 1 (as amended by *section 23* of this Act) of Part I of the Third Schedule is hereby amended by—

(a) the substitution in paragraph (2)(m) for “such amount as may be prescribed of” of “subject to paragraph (7),”;

(b) the deletion in paragraph (6) of “in respect of a day of unemployment which occurs”, and

(c) the insertion after paragraph (6) (inserted by section 11 of the No. 2 Act of 1995) of the following paragraph:

“(7) In the case of a person engaged in employment under a contract of service, the value, ascertained in the prescribed manner of any moneys derived from the said employment and the value so calculated shall be deemed to constitute the weekly means of that person from such employment for the purposes of Chapter 2 of Part III.”.

(12) In the case of a person who is in receipt of unemployment assistance on the commencement of this section, the provisions of this section shall not have the effect of reducing the rate of unemployment assistance payable below that payable on the said date.

(13) This section shall come into operation on such day as the Minister may appoint by order.

Rules as to calculation of means.

23.—Rule 1 of Part I of the Third Schedule to the Principal Act is hereby amended by the insertion in paragraph (2) after subparagraph (q) (inserted by section 11 of the No. 2 Act of 1995) of the following subparagraphs:

“(r) payments by a health board in respect of the provision of accommodation for a child under section 5 of the Child Care Act, 1991,

(s) all moneys received, except and in so far as they exceed such amount as may be prescribed, under a scheme administered by the Minister for Agriculture, Food and Forestry and known as the Rural Environment Protection Scheme;”.

PART VII

PENSIONS

24.—(1) The Principal Act is hereby amended by—

Homemakers.

(a) the insertion in section 83(2) before the definition of “yearly average” of the following definition:

“ ‘homemaker’ means a person who—

- (a) is resident in the State and is under pensionable age,
- (b) is not engaged in remunerative employment, other than employment specified in paragraph 5 of Part II of the First Schedule,
- (c) either—
 - (i) resides with and cares for a child under 12 years of age on a full-time basis, or
 - (ii) resides with and provides full-time care and attention to a person who is so incapacitated as to require full-time care and attention within the meaning of section 163(3), and
- (d) other than in the case of such class or classes of person as may be prescribed, makes application to be regarded as a homemaker in the prescribed manner and within the prescribed time;”,

(b) the insertion after “attaining pensionable age” in the definition of “yearly average” contained in section 83(2) of the following proviso:

“Provided that in the case of a claimant who was a homemaker for the duration of any complete contribution year, commencing on or after the 6th day of April, 1994, in which the claimant does not have any credited contributions or voluntary contributions, such contribution year shall be disregarded for the purposes of determining the yearly average of that claimant subject to the total number of contribution years so disregarded not exceeding 20;”,

and

(c) the insertion in section 27(b) after subparagraph (ii) of the following subparagraph:

“(iii) periods in any contribution year in which they become or cease to be a homemaker within the meaning of section 83(2).”.

(2) The Social Welfare (Old Age (Contributory) Pension) Regulations, 1994 (S.I. No. 235 of 1994), are hereby revoked.

(3) This section shall be deemed to have come into operation on the 6th day of April, 1995.

Pt. VII
Pre-retirement
allowance.

25.—(1) Section 127 of the Principal Act is hereby amended by the substitution for subsection (1)(c) (inserted by section 22(7) of this Act) of the following subsection:

“(c) (i) who has been in receipt of unemployment benefit or unemployment assistance in respect of not less than 390 days of unemployment in any continuous period of unemployment in the immediately preceding period as construed in accordance with section 120(3), or

(ii) being a separated spouse, has not engaged in remunerative employment or self-employment at any time in such preceding period as may be prescribed.”.

(2) Section 129 of the Principal Act is hereby amended by the insertion after paragraph (a) of the following paragraph:

“(aa) specify the circumstances in which a person is to be regarded as a separated spouse for the purposes of section 127(1)(c)(ii).”.

Old age
(contributory) and
retirement pensions
— conditions for
receipt.

26.—(1) Section 84 of the Principal Act is hereby amended by the substitution for subsection (14) of the following subsection:

“(14) Regulations may provide, subject to subsection (15), for entitling to old age (contributory) pension a relevant person who would be entitled thereto but for the fact that the contribution condition set out in subsection (1)(c) is not satisfied and who, in respect of any period, has been employed mainly in one or more of the employments in respect of which employment contributions at the rate specified in Article 5(2)(a), 6(2)(a) or 7(2)(a) of the Social Welfare (Modifications of Insurance) Regulations, 1991 to 1995, were paid.”.

(2) Section 89 of the Principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) Regulations may provide, subject to subsection (7), for entitling to retirement pension a relevant person who would be entitled thereto but for the fact that the contribution condition set out in subsection (1)(c) is not satisfied and who, in respect of any period, has been employed mainly in one or more of the employments in respect of which employment contributions at the rate specified in Article 5(2)(a), 6(2)(a) or 7(2)(a) of the Social Welfare (Modifications of Insurance) Regulations, 1991 to 1995, were paid.”.

(3) Each provision of the Principal Act mentioned in column (1) of Schedule F to this Act is hereby amended in the manner specified in column (2) of that Schedule opposite the mention of that provision in column (1).

Widow's and
widower's
(contributory)
pension.

27.—(1) Section 101 (inserted by section 11 of the Act of 1994) of the Principal Act is hereby amended by the insertion after subsection (4) of the following subsection:

“(5) A person who, having ceased to be entitled to a pension by virtue of that person's remarriage, shall, on again becoming a widow or widower, be entitled to a pension at the rate which

would have been payable had the person not remarried where Pr.VII S.27
the person—

(a) fails to satisfy the conditions set out in section 101(1),
or

(b) on satisfying the conditions set out in section 101(1),
is entitled to a pension at a rate below that which
would have been payable had the person not
remarried.”.

(2) Each provision of the Principal Act mentioned in *column (1)*
of *Schedule G* to this Act is hereby amended in the manner specified
in *column (2)* of that Schedule opposite the mention of that provision
in *column (1)*.

(3) Every reference in the Principal Act or in any other enactment
to a survivor’s pension shall be construed as a reference to a widow’s
(contributory) pension or a widower’s (contributory) pension, as the
case may require.

(4) Section 13(5) of the Act of 1994 is hereby repealed.

28.—(1) Section 100 (inserted by section 11 of the Act of 1994) of
the Principal Act is hereby amended by—

Widow’s and
widower’s
(contributory)
pension —
entitlement of
person whose
marriage has been
dissolved.

(a) the substitution for the definition of “spouse” of the follow-
ing definition:

“ ‘spouse’, in relation to a widow or widower who
has been married more than once, refers only to the
widow’s or widower’s last spouse and for this pur-
pose that last spouse shall be construed as including
a party to a marriage that has been dissolved, being
a dissolution that is recognised as valid in the State;”.

and

(b) the insertion after the definition of “spouse” of the follow-
ing definitions:

“ ‘widow’ means a widow or a woman who would otherwise
be a widow but for the fact that her marriage has been dissolved,
being a dissolution that is recognised as valid in the State;

‘widower’ means a widower or a man who would otherwise
be a widower but for the fact that his marriage has been dis-
solved, being a dissolution that is recognised as valid in the
State;”.

(2) Section 101 (1) (inserted by section 11 of the Act of 1994) of
the Principal Act is hereby amended by the substitution for para-
graph (b) of the following paragraph:

“(b) if the widow’s or widower’s spouse was entitled to an old
age (contributory) pension or a retirement pension which
included an increase in respect of him by virtue of section
87(1) or section 91(1) in respect of a period ending on
the spouse’s death, or”.

(3) Section 3 of the No. 2 Act of 1995 is hereby repealed.

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Commencement
(Part VII).

29.—This Part (other than *section 24*) shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

PART VIII

AMENDMENT OF PART VII OF PRINCIPAL ACT: DECISIONS, APPEALS AND SOCIAL WELFARE TRIBUNAL

Supplementary
welfare allowance
— appeals.

30.—(1) The Principal Act is hereby amended by—

(a) the deletion in section 251 of “, except the provisions relating to supplementary welfare allowance,”,

(b) the insertion after section 257 of the following section:

“257A.— Where a person is dissatisfied with the determination of an appeal by him or her under section 267 in relation to a claim for supplementary welfare allowance, the question shall, on notice of appeal being given to the health board within the prescribed time, be forwarded by the board to the Chief Appeals Officer for referral to an appeals officer.”,

(c) the substitution in section 257(3) for “under subsection (1), shall not be confined to the grounds on which the decision of the deciding officer was based,” of “under subsection (1) or section 257A, shall not be confined to the grounds on which the decision of the deciding officer, or the determination of the officer of the health board, as the case may require, was based,”,

(d) the insertion in section 265 after “263” of “, 268(1)(c)”,

(e) the insertion in section 266 after “section 267” of “or section 257A”,

(f) the substitution in section 267(1) for “a person (being either another officer of the health board or a person not such an officer)” of “another officer of the health board”,

(g) the substitution for section 268 of the following section:

“268.—(1) An officer of a health board who is duly authorised to determine entitlement to a supplementary welfare allowance may, at any time—

(a) revise a determination of another officer of a health board, other than an officer appointed or designated under section 267(1), to such allowance if it appears to the officer that the determination was erroneous in the light of new evidence or of new facts which have been brought to the officer’s notice since the date on which the determination was given or by reason of some mistake having been made in relation to the law or the facts, or if it appears to the officer that there has been

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any relevant change of circumstances since the determination was given, Pr.VIII S.30

- (b) revise the determination of another officer of a health board appointed or designated under section 267(1), if it appears to the officer that there has been any relevant change of circumstances which has come to notice since the determination was given, or
- (c) revise the decision of an appeals officer, if it appears to the officer that there has been any relevant change of circumstances which has come to notice since the decision was given,

and the provisions of this Part as to appeals shall apply to the revised determination in the same manner as they apply to an original determination of an officer of a health board.

(2) Subsections (1)(a) and (1)(b) shall not apply to a determination relating to a matter which is on appeal under sections 257A or 267(1), as the case may require, unless the revised determination would be in favour of a claimant.”, and

(h) the insertion after section 265 of the following section:

“265A.—For the purposes of supplementary welfare allowance, every reference in this Part to a decision shall be construed as a reference to a determination.”.

(2) This section shall come into operation on such day or days as the Minister may appoint by order or orders to apply to supplementary welfare allowance generally or to supplementary welfare allowance payable by virtue of specific provisions in Chapter 11 of Part III of the Principal Act.

31.—The Principal Act is hereby amended by the insertion after section 273 of the following section:

Decisions and determinations under Social Welfare Acts.

“273A.— The Minister may make regulations specifying the procedures to be followed by—

- (a) a deciding officer, when deciding questions under sections 247 and 248,
- (b) an appeals officer, when deciding questions under sections 250, 257 and 257A, and
- (c) an officer of a health board in making determinations in relation to supplementary welfare allowance including determinations under section 267(1).”.

32.—Each provision of the Principal Act mentioned in *column (1)* of *Schedule H* to this Act is hereby amended in the manner specified in *column (2)* of that Schedule opposite the mention of that provision in *column (1)*.

Effect of revised decisions.

Pt.VIII
Amendment of
section 274 of
Principal Act.

33.—Section 274 of the Principal Act is hereby amended by the substitution of “a deciding officer or an appeals officer” for “a deciding officer and appeals officer”.

Award of expenses.

34.—Section 261 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) In relation to any matter referred to an appeals officer under this Part the following provisions shall apply:

(i) subject to subparagraph (ii), an award shall not be made in respect of any costs (whether in respect of the representation of the appellant or otherwise in relation to such matter) incurred by a person,

(ii) an appeals officer may make an award to a person appearing before the officer towards the person’s expenses, which shall be payable by the Minister.

(b) In paragraph (a)(ii), ‘expenses’ means—

(i) expenses necessarily incurred by the appellant or a witness in respect of his or her travel and subsistence or loss of remuneration, and

(ii) in the case of a person appearing before an appeals officer in a representative capacity, an amount only in respect of that person’s actual attendance.”.

PART IX

MISCELLANEOUS AMENDMENTS

Regulations
(payment of benefit
beyond pensionable
age).

35.—Section 206 of the Principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

“(3) Notwithstanding the provisions of this Act, regulations may provide for payment of benefit, in such circumstances and subject to such conditions and for such periods as may be prescribed, to a claimant or beneficiary who has attained pensionable age.”.

Supplementary
welfare allowance
— administration.

36.—Section 175 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsections:

“(1) Subject to the general direction and control of the Minister, each health board shall, in respect of its functional area, be responsible for the administration of the functions, other than making such categories of payment as may be prescribed in such circumstances and conditions as may be prescribed, relating to supplementary welfare allowance and other functions performable under this Chapter.

(1A) Any categories of payment prescribed under subsection (1) shall be made by the Minister and regulations made under that subsection may apply to the whole State or to a specified health board or to a part of the functional area of a health board and may relate to supplementary welfare allowance generally or to supplementary welfare allowance payable by virtue of specific provisions in this Chapter.”.

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37.—(1) Paragraph (4) of Rule 1 of Part II of the Third Schedule to the Principal Act is hereby amended by—

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Assessment of
means for social
assistance
payments.

- (a) the insertion in subparagraph (h) after “(including wages and profit from any form of self-employment)” of “other than from employment of a rehabilitative nature,”,
- (b) the insertion after subparagraph (h) of the following subparagraph:
 - “(hh) in the case of a blind person, such amount as may be prescribed of his or her earnings from employment of a rehabilitative nature,”,
- (c) the insertion in subparagraph (jj) (inserted by section 15 of the Act of 1994) after “of self-employment)” of “having deducted such amount in respect of social insurance contributions payable under Part II, childminding and travel expenses, which a deciding officer considers reasonable in all the circumstances of the case,”,
- (d) the insertion in subparagraph (o) (inserted by section 18 of the Act of 1994) before “lone parent’s allowance,” of “blind pension or”, and
- (e) the insertion after subparagraph (p) (inserted by section 18 of the Act of 1994) of the following subparagraphs:
 - “(q) payments by a health board in respect of the provision of accommodation for a child under section 5 of the Child Care Act, 1991,
 - (r) in the case of old age (non-contributory) pension, all moneys received, except and in so far as they exceed such amount as may be prescribed, under a scheme administered by the Minister for Agriculture, Food and Forestry and known as the Rural Environment Protection Scheme,
 - (s) in the case of a person who has attained pensionable age, any moneys received under a scheme administered by the Minister for Agriculture, Food and Forestry and known as the Early Retirement Scheme from Farming operated under Council Regulation (EEC) No. 2079/92 of the 30th day of July, 1992⁽¹⁾,”.

(2) Paragraph (1) of Rule 1 of Part III of the Third Schedule to the Principal Act is hereby amended by the insertion after subparagraph (j) (inserted by section 18 of the Act of 1994) of the following subparagraphs:

- “(k) any income arising from a grant or allowance in pursuance of a scheme for promoting the welfare of the blind prepared under section 2 of the Blind Persons Act, 1920,
- (l) payments by a health board in respect of the provision of accommodation for a child under section 5 of the Child Care Act, 1991,
- (m) such amount as may be prescribed of earnings from employment of a rehabilitative nature,

⁽¹⁾ OJ No. L215 of 30.7.1992

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(n) in such cases as may be prescribed, any moneys received by way of a maintenance grant under a scheme administered by the Minister for Education under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992.”

(3) (a) Rule 1 of Part II of the Third Schedule to the Principal Act is hereby amended by the insertion after paragraph (3) of the following paragraph:

“(3A) Regulations may modify the provisions of this Rule in relation to the calculation of the yearly value of property belonging to a person.”.

(b) Rule 1 of Part III of the Third Schedule to the Principal Act is hereby amended by the insertion after paragraph (2) of the following paragraph:

“(2A) Regulations may modify the provisions of paragraph (2) in relation to the calculation of the yearly value of property belonging to a person.”.

(c) Section 4(5) (as amended by section 11 of the Act of 1995) of the Principal Act is hereby amended by the insertion after “or 115(2),” of “or Rule 1(3A) of Part II of the Third Schedule and Rule 1(2A) of Part III of the Third Schedule,”.

(4) Each provision of the Principal Act mentioned in *column (1)* of *Schedule I* to this Act is hereby amended in the manner specified in *column (2)* of that Schedule opposite the mention of that provision in *column (1)*.

(5) Section 4 (4) (a) (as amended by section 11 of the No. 2 Act of 1995) of the Principal Act is hereby amended by the substitution for “Rule 1 (2) (m) and 1 (6) of Part I of the Third Schedule, Rule 3 (3) of Part II of the Third Schedule and Rule 2 of Part III of the Third Schedule,” of “Rule 1 (2) (m), 1 (2) (u) and 1 (6) of Part I of the Third Schedule, Rule 1 (4) (u) and 3 (3) of Part II of the Third Schedule and Rule 1 (1) (o) and 2 of Part III of the Third Schedule,”.

Student who reaches 22 years of age during academic year to be regarded as qualified child up to end of academic year.

38.—Section 2 of the Principal Act is hereby amended by the insertion after subsection (3) of the following subsection:

“(4) Notwithstanding subsection (3)(b)(iii)(II), a person receiving full-time education, within the meaning of the said subsection, who attains the age of 22 years during an academic year, within the meaning of section 126(2), shall continue to be regarded as a qualified child for the purposes of the said subsection, while receiving full-time education for the duration of the said academic year.”.

Increase of disablement pension where constant attendance is needed.

39.—Section 57 of the Principal Act is hereby amended by the insertion after subsection (1) of the following subsections:

“(1A) Subject to subsection (1B), regulations may provide for entitling to an increase of disablement pension under this section, a beneficiary who would otherwise be entitled thereto but for the fact that the beneficiary is in receipt of a disablement pension which is payable in respect of an assessment of less than 100 per cent.

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(1B) Regulations for the purposes of subsection (1A) shall provide that an increase of pension payable by virtue thereof shall be payable at an amount less than the amount that would be payable in respect of an assessment of 100 per cent., and the amount of the increase of pension so payable may vary in relation to the degree of disablement assessed.” Pr.IX S.39

40.—Section 5 of the Principal Act is hereby amended by the insertion after subsection (4) of the following subsection: Social insurance fund (payment of fees).

“(5) Any fees in respect of an audit of the Social Insurance Fund which are payable to the Comptroller and Auditor General in accordance with section 12 of the Comptroller and Auditor General (Amendment) Act, 1993, shall be paid by the Minister out of that Fund.”.

41.—The Principal Act is hereby amended by— Limitation period for proceedings.

(a) the substitution for section 280(4) of the following subsection:

“(4) Any proceedings to recover assistance due to the Minister as a debt due to the State under section 281(3) shall be maintainable against the estate of a deceased person if brought at any time within the period of 6 years commencing on the date on which the notice or the date on which the schedule of assets under paragraph (a) of subsection (1) is received by the Minister, whichever is the later.”.

and

(b) the insertion in section 281 after subsection (3) of the following subsection:

“(3A) Section 9 of the Civil Liability Act, 1961, shall not apply to an action for the recovery of a debt due to the Minister or to the State under this Act.”.

42.—Section 240 of the Principal Act is hereby amended by the substitution for subsection (3) of the following subsection: Budgeting in relation to social welfare payments.

“(3) In this section ‘a specified body’ means—

(a) a local authority (for the purposes of the Local Government Act, 1941),

(b) any other body established—

(i) by or under any enactment (other than the Companies Acts, 1963 to 1990), or

(ii) under the Companies Acts, 1963 to 1990, in pursuance of powers conferred by or under other enactments, and financed wholly or partly by means of moneys provided or loans made or guaranteed by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government and a subsidiary of any such body,

or

(c) such other body as may be prescribed.”.

Pt. IX
Employment
statements.

43.—Section 212 (14) of the Principal Act is hereby amended by the substitution of “section 3 of the Terms of Employment (Information) Act, 1994,” for “section 9 of the Minimum Notice and Terms of Employment Act, 1973,”.

PART X

AMENDMENT OF SECTION 5 OF COMBAT POVERTY AGENCY ACT, 1986

Deferral of period
for submission of
strategic plan by
combat poverty
agency.

44.—Section 5 of the Combat Poverty Agency Act, 1986, is hereby amended by the insertion after subsection (3) of the following subsection:

“(4) Notwithstanding subsection (2), the Minister may, where he considers that the circumstances so warrant, extend, by not more than 6 months, the period within which the Agency is required to draw up and submit for the Minister’s approval a strategic plan.”.

PART XI

AMENDMENT OF HEALTH CONTRIBUTIONS ACT, 1979 AND YOUTH EMPLOYMENT AGENCY ACT, 1981

Amendment of
sections 7A and 11
of Health
Contributions Act,
1979.

45.—(1) Section 7A (inserted by section 24 of the Act of 1995) of the Health Contributions Act, 1979, is hereby amended by—

- (a) the substitution in subsection (1)(a) of “£188” for “£178”,
- (b) the substitution in subsection (1)(b) of “£9,750” for “£9,250”, and
- (c) the substitution in subsection (2) of “£9,750” for “£9,250”.

(2) Section 11 (1) (b) of the Health Contributions Act, 1979, is hereby amended by the insertion after “Act of 1970” of “or Council Regulation (EEC) No. 1408/71⁽¹⁾ of 14 June 1971”.

(3) This section shall come into operation on the 6th day of April, 1996.

Amendment of
sections 18A and 22
of Youth
Employment
Agency Act, 1981.

46.—(1) Section 18A (inserted by section 25 of the Act of 1995) of the Youth Employment Agency Act, 1981, is hereby amended by—

- (a) the substitution in subsection (1)(a) of “£188” for “£178”,
- (b) the substitution in subsection (1)(b) of “£9,750” for “£9,250”, and
- (c) the substitution in subsection (2) of “£9,750” for “£9,250”.

(2) Section 22 (1) (b) of the Youth Employment Agency Act, 1981, is hereby amended by the insertion after “Act of 1970” of “or Council Regulation (EEC) No. 1408/71⁽¹⁾ of 14 June 1971”.

(3) This section shall come into operation on the 6th day of April, 1996.

⁽¹⁾ OJ No. L149 of 5.7.1971 p2

SCHEDULE A

Section 3.

"SECOND SCHEDULE

RATES OF BENEFITS

PART I

RATES OF PERIODICAL BENEFITS AND INCREASES THEREOF

Description of benefit (1)	Weekly rate (2)	Increase for adult dependant (where payable) (3)	Increase for each qualified child (where payable) (4)	Increase for prescribed relative under section 167 (where payable) (5)	Increase where the person has attained pensionable age and is living alone (where payable) (6)	Increase where the person has attained the age of 80 years (where payable) (7)
	£	£	£	£	£	£
1. Disability Benefit, Unemployment Benefit, Injury Benefit and Health and Safety Benefit ...	64.50	38.50	13.20	—	—	—
2. Death Benefit:						
(a) pension payable to a widow (section 60 (2)) or widower (section 60 (6)) ...	86.40	—	17.00	35.80	6.00	—
(b) pension payable to a parent						
(i) reduced rate ...	38.80	—	—	35.80	6.00	—
(ii) maximum rate ...	86.40	—	—	35.80	6.00	—
(c) pension payable to an orphan ...	44.90	—	—	—	—	—
3. Old Age (Contributory) Pension and Retirement Pension:	75.00	49.50	15.20	35.80	6.00	5.00
additional increase for an adult dependant who has attained pensionable age	—	4.40	—	—	—	—
4. Invalidity Pension:	66.20	43.60	15.20	35.80	6.00	5.00
additional increase for a beneficiary who has attained the age of 65 years ...	8.80	—	—	—	—	—
5. Survivor's Pension and Deserted Wife's Benefit ...	68.10	—	17.00	35.80	6.00	5.00
6. Orphan's (Contributory) Allowance ...	42.60	—	—	—	—	—

Sch.A

PART II

OCCUPATIONAL INJURIES BENEFITS — GRATUITIES AND GRANT

Description of Grant (1)	Amount (2)
	£
1. Disablement Benefit:	
Maximum gratuity	6,160
2. Death Benefit:	
(a) Widower's gratuity	4,490
(b) Grant in respect of funeral expenses... ..	310

PART III

DISABLEMENT PENSION

Degree of disablement (1)	Weekly rate (2)
	£
100 per cent	88.20
90 " "	79.40
80 " "	70.60
70 " "	61.70
60 " "	52.90
50 " "	44.10
40 " "	35.30
30 " "	26.50
20 " "	17.60

PART IV

INCREASES OF DISABLEMENT PENSION

Description of Increase (1)	Weekly Rate (2)
	£
1. Increase where the person is permanently incapable of work ...	64.50
2. Increase where the person requires constant attendance:	
(a) limit of increase except in cases of exceptionally severe disablement	35.80
(b) limit in any other case	71.60

”.

SCHEDULE B

"FOURTH SCHEDULE

RATES OF ASSISTANCE

PART I

RATES OF PERIODICAL SOCIAL ASSISTANCE AND INCREASES THEREOF

Description of assistance (1)	Weekly rate (2)	Increase for adult dependant (where payable) (3)	Increase for each qualified child (where payable) (4)	Increase for prescribed relative under section 167 (where payable) (5)	Increase where the person has attained pensionable age and is living alone (where payable) (6)	Increase where the person has attained the age of 80 years (where payable) (7)
	£	£	£	£	£	£
1. Unemployment Assistance:						
(a) in the case of a person to whom section 121 (1) (a) applies ...	64.50	38.50	13.20	—	—	—
(b) in the case of a person to whom section 121 (1) (b) applies ...	62.40	38.50	13.20	—	—	—
2. Pre-Retirement Allowance ...	64.50	38.50	13.20	—	—	—
3. Old Age (Non-Contributory) Pension and Blind Pension ...	64.50	—	13.20	35.80	6.00	5.00
4. Widow's (Non-Contributory) Pension, Deserted Wife's Allowance and Prisoner's Wife's Allowance ...	64.50	—	—	35.80	6.00	5.00
5. Lone Parent's Allowance ...	64.50	—	15.20	—	—	5.00
6. Carer's Allowance ...	67.50	—	13.20	—	—	—
7. Orphan's (Non-Contributory) Pension ...	42.60	—	—	—	—	—
8. Supplementary Welfare Allowance ...	62.40	38.50	13.20	—	—	—

PART II

INCREASE OF OLD AGE (NON-CONTRIBUTORY) PENSION AND BLIND PENSION FOR ONE
OF A COUPLE

Means of claimant or pensioner	Weekly rate of increase
	£
Where the weekly means of the claimant or pensioner do not exceed £6	38.50
exceed £6 but do not exceed £8	37.50
exceed £8 but do not exceed £10	36.50
exceed £10 but do not exceed £12	35.50
exceed £12 but do not exceed £14	34.50
exceed £14 but do not exceed £16	33.50
exceed £16 but do not exceed £18	32.50
exceed £18 but do not exceed £20	31.50
exceed £20 but do not exceed £22	30.50
exceed £22 but do not exceed £24	29.50
exceed £24 but do not exceed £26	28.50
exceed £26 but do not exceed £28	27.50
exceed £28 but do not exceed £30	26.50
exceed £30 but do not exceed £32	25.50
exceed £32 but do not exceed £34	24.50
exceed £34 but do not exceed £36	23.50
exceed £36 but do not exceed £38	22.50
exceed £38 but do not exceed £40	21.50
exceed £40 but do not exceed £42	20.50
exceed £42 but do not exceed £44	19.50
exceed £44 but do not exceed £46	18.50
exceed £46 but do not exceed £48	17.50
exceed £48 but do not exceed £50	16.50
exceed £50 but do not exceed £52	15.50
exceed £52 but do not exceed £54	14.50
exceed £54 but do not exceed £56	13.50
exceed £56 but do not exceed £58	12.50
exceed £58 but do not exceed £60	11.50
exceed £60 but do not exceed £62	10.50
exceed £62 but do not exceed £64	9.50
exceed £64 but do not exceed £66	8.50
exceed £66 but do not exceed £68	7.50
exceed £68	Nil

”

SCHEDULE C

Section 7.

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Section 204	<p>The insertion after paragraph (d) of the following paragraph: “(e) continued payment for qualified children.”.</p> <p>The deletion in paragraph (c) of “or”.</p> <p>The substitution in paragraph (d) for “supplement.” of “supplement, or”.</p>
Section 212 (as amended by section 28 of the Act of 1994)	The substitution for “IV, V, IX” of “IV, V, VA, IX” in each place where it occurs.
Section 247(2)	<p>The insertion after paragraph (d) of the following paragraph: “(dd) Part VA (continued payment for qualified children), and”.</p> <p>The deletion in paragraph (d) of “and”.</p>
Sections 249 and 264 (as amended by section 32 of this Act), 278, 279 and 282	The substitution for “or family income supplement” of “, family income supplement or continued payment for qualified children” in each place where it occurs.
Section 265	The insertion in paragraph (b) after “V,” of “VA,”.
Section 277	<p>The insertion in subsection (1) (a) after “V,” of “VA,”.</p> <p>The substitution for “or family income supplement” of “family income supplement or continued payment for qualified children” in each place where it occurs.</p>
Section 279	The substitution for “or supplement” of “, supplement or payment”.
Section 281(6)	The substitution for “or assistance repayable” of “, assistance or continued payment for qualified children repayable”.
Paragraph (2) of Rule 1 of Part I of the Third Schedule and paragraph (4) of Rule 1 of Part II of the Third Schedule	<p>The substitution for subparagraph (b) (as amended by section 18 of the Act of 1994) of the following subparagraph: “(b) any sums received by way of benefit, pension, assistance, allowance, supplement or continued payment for qualified children under Part II, III, IV, V or VA, or by way of a payment corresponding to child benefit under Part IV, from another Member State,”.</p>

SCHEDULE D

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Section 2(1)	The deletion of the definition of "disabled person's maintenance allowance".
Section 2(2) (a) (iii)	The deletion of "or disabled person's maintenance allowance,".
Section 2(3) (b) (ii) (as amended by section 13 of the Act of 1994)	The insertion after "165(1)" of ", 191C(1)(b)".
Section 3(12) (as amended by section 15 of the Act of 1995)	The insertion after "165(4)," of "191B(2), 191C(3),".
Section 138	The deletion of "or to disabled person's maintenance allowance".
Section 163(1) (as amended by section 12 of the Act of 1995) in the definition of "relevant pensioner"	The substitution in paragraph (b) for subparagraph (iii) of the following subparagraph: "(iii) disability allowance, or".
Section 183	The deletion in paragraph (a) of "disabled person's maintenance allowance or". The substitution in paragraph (b) for "if either of the said allowances," of "if the said allowance,". The substitution for "the said allowances." of "the said allowance.".
Section 207(1) (c) (i)	The substitution for "or blind pension," of "blind pension or disability allowance,". The substitution for "or 137(a)," of ", 137(a) or 191C(1)(a),".
Sections 209(1) and 209(2)	The deletion of paragraph (c).
Section 209(3)	The deletion in paragraph (a) of "an increase of disabled person's maintenance allowance or". The deletion in paragraph (b) of ", (c)".
Rule 1 of Part I of the Third Schedule	The substitution for "Chapters 2 and 3" of "Chapters 2, 3 and 12".
Rule 1(4) (f) of Part II of the Third Schedule	The deletion of clause (iii).

SCHEDULE E

Section 19.

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Part II	The repeal of Chapter 18.
Part III	The repeal of Chapters 7 and 8.
Section 2(3)(b)(ii) (as amended by section 15 of this Act)	The deletion of "113(1),".
Section 4(4)(a) (as amended by section 11 of the No. 2 Act of 1995)	The deletion of "110(1)(c), 111(3), 111(8),". The insertion after "129," of "158(4),".
Section 4(5) (as amended by section 37 of this Act)	The deletion of ", 111(2)".
Section 23(3)	The deletion of paragraph (a). The deletion in paragraph (b) of ", deserted wife's benefit".
Section 30(1) (as amended by section 11 of the Act of 1995)	The deletion of paragraph (l).
Section 101 (as amended by section 27 of this Act)	The deletion of subsection (4).
Section 118(1) (as amended by section 15 of this Act)	The deletion of paragraphs (f) and (g).
Section 135 (as amended by section 27 of this Act)	The deletion of "deserted wife's benefit," in each place where it occurs. The substitution in paragraph (b) of "any such pension" for "any such benefit, pension".
Section 139(3) (as amended by section 27 of this Act)	The deletion of "or deserted wife's benefit" in both places where it occurs.
Section 143 (as amended by section 5 of the No. 2 Act of 1995)	The deletion of subsection (2).
Section 207 (1)(c)(ii) (as amended by section 27 of this Act)	The substitution for "or deserted wife's benefit, so much of the pension or benefit as is payable by virtue of section 105(1) or 113(1), as appropriate," of "so much of the pension as is payable by virtue of section 105(1),".
Section 210(1) in the definition of "benefit" (as amended by section 15 of this Act)	The deletion of paragraph (n).
Section 284 (1)	The deletion of the definition of "benefit". The deletion in the definition of "allowance" of "deserted wife's allowance,". The deletion in the definition of "competent authority" of "deserted wife's benefit, deserted wife's allowance and".
Section 285	The deletion of "110, 152,".
Sections 286(1), 297, 298(1) and (2) (as amended by section 17 of this Act)	The substitution for "a benefit or allowance" of "an allowance" in each place where it occurs.
Sections 286(1) and 297	The substitution for "such benefit or allowance" of "such allowance" in each place where it occurs.
Sections 286(2) and (4) and 298(3)	The substitution for "the benefit or allowance" of "the allowance" in each place where it occurs.

Sch.E

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Sections 298(2) and (3)	The substitution for "benefit or allowance" of "allowance" in each place where it occurs.
Paragraph 5 (as amended by <i>section 27</i> of this Act) of Part III of the First Schedule	The deletion of "deserted wife's benefit".
Rule 1(2A) (inserted by <i>section 17</i> of this Act) of Part II of the Third Schedule	The deletion of "deserted wife's allowance and prisoner's wife's allowance".
Rule 1(3) of Part II of the Third Schedule (as amended by <i>section 17</i> of this Act)	The deletion of "deserted wife's allowance, prisoner's wife's allowance,".
Rule 1(4) of Part II of the Third Schedule	The deletion of "deserted wife's allowance, prisoner's wife's allowance".
Rule 2(2) of Part II of the Third Schedule	The deletion of subparagraphs (b) and (c).
Rule 5 (as amended by <i>section 23</i> of the Act of 1995) of Part II of the Third Schedule	The deletion of "deserted wife's allowance, prisoner's wife's allowance" in each place where it occurs.
Sections 118(1)(h), 121(1)(a)(ii) (inserted by <i>section 22</i> of this Act), 207(1)(c)(ii), 210(1)(m), 210(2)(f), 236(1), 284(1) in the definitions of "allowance" and "competent authority", Rule 1(4), Rule 2(2)(d) and Rule 5 (as amended by <i>section 23</i> of the Act of 1995) of Part II of the Third Schedule	The substitution of "one-parent family payment" for "lone parent's allowance" in each place where it occurs.
Section 121(1)(a)(ii) (inserted by <i>section 22</i> of this Act)	The substitution of "a qualified parent" for "a lone parent".
Section 207(1)(c)(ii) (as amended by <i>section 27</i> of this Act)	The substitution of "the payment" for "the allowance".
Section 236(1)(as amended by <i>section 27</i> of this Act)	The substitution of "such payment" for "such allowance".
Rule 1(4)(j) (inserted by <i>section 15</i> of the Act of 1994) of Part II of the Third Schedule	The substitution of "or a qualified parent within the meaning of <i>section 157</i> " for "or a lone parent".
Reference 5 of Part I of the Fourth Schedule	The substitution of "One-Parent Family Payment" for "Lone Parent's Allowance".

SCHEDULE F

Section 26.

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Section 83(3) in the definition of "relevant person" and section 88(4) in the definition of "relevant person"	The substitution for subparagraph (i) of paragraph (b) of the following subparagraph: "(i) employed mainly in one or more of the employments in respect of which employment contributions at the rate specified in Article 5(2)(a), 6(2)(a) or 7(2)(a) of the Social Welfare (Modifications of Insurance) Regulations, 1991 to 1995, were paid, and".
Section 84(9)	The substitution of "at the rate specified in Article 5(2)(a), 6(2)(a) or 7(2)(a) of the Social Welfare (Modifications of Insurance) Regulations, 1991 to 1995," for "during which such person is or was employed mainly in one or more of the employments specified in Article 5(1), 6(1) or 7(1) of the Social Welfare (Modifications of Insurance) Regulations, 1991 (S.I. No. 94 of 1991),".

SCHEDULE G

Section 27.

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Sections 18(1)(g), 23(2), 135, 139(3), 207(1)(c)(ii), 210(2)(f), 236(1) and paragraph 5 of Part III of the First Schedule (as amended by section 13 of the Act of 1994)	The substitution of "widow's (contributory) pension, widower's (contributory) pension" for "survivor's pension" in each place where it occurs.
Section 30(1)(j) (as amended by section 13 of the Act of 1994)	The substitution of "widow's (contributory) pension and widower's (contributory) pension" for "survivor's pension".
Section 100 (inserted by section 11 of the Act of 1994)	The insertion before the definition of "relevant time" of the following definition: "'pension' means a widow's (contributory) pension in the case of a widow and a widower's (contributory) pension in the case of a widower;". The deletion of the definition of "survivor".
Section 100 in the definition of "relevant time", section 102(1)(b) (inserted by section 11 of the Act of 1994)	The substitution of "widow's or widower's" for "survivor's" in each place where it occurs.
Sections 100, 101 and 102 (inserted by section 11 of the Act of 1994)	The substitution of "widow or widower" for "survivor" in each place where it occurs.
Sections 101, 102, 103 and 104 (inserted by section 11 of the Act of 1994), section 105 (inserted by section 19 of the Act of 1995) and section 105A (inserted by section 11 of the Act of 1994)	The substitution of "pension" for "survivor's pension" in each place where it occurs.
Section 210(1)(l) in the definition of "benefit" (as amended by section 13 of the Act of 1994)	The substitution of "widow's (contributory) pension or widower's (contributory) pension" for "survivor's pension".
Reference 5 of Part I of the Second Schedule (as amended by section 13 of the Act of 1994)	The substitution of "Widow's (Contributory) Pension, Widower's (Contributory) Pension" for "Survivor's Pension".

Section 32.

SCHEDULE H

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Sections 249(b), 264(b) and 269(b)	The insertion after "shall determine having regard to the new facts or new evidence" of "and the circumstances of the case" in each place where it occurs.

Section 37.

SCHEDULE I

Provision of Principal Act Amended (1)	Nature of Amendment (2)
Paragraph (2) (as amended by section 23 of this Act) of Rule 1 of Part I of the Third Schedule	The insertion after subparagraph (t) of the following subparagraph: "(u) such other income received by a person or his or her spouse as may be prescribed."
Paragraph (4) (as amended by section 17 of this Act) of Rule 1 of Part II of the Third Schedule	The insertion after subparagraph (t) of the following subparagraph: "(u) such other income received by a person or his or her spouse as may be prescribed."
Paragraph (1) (as amended by section 37 of this Act) of Rule 1 of Part III of the Third Schedule	The insertion after subparagraph (n) of the following subparagraph: "(o) such other income received by a person or his or her spouse as may be prescribed."
Paragraphs (1) (as amended by section 23 of the Act of 1995) and (3)(b) of Rule 1 of Part I, paragraphs (1) (as amended by section 23 of the Act of 1995), (4)(a) and (5)(b) of Rule 1 of Part II and paragraphs (1)(e), (2) and (3)(b) of Rule 1 of Part III of the Third Schedule	The deletion of "under a lease which was certified by the Irish Land Commission to be <i>bona fide</i> and in accordance with sound land use practice".

ACTS REFERRED TO

Blind Persons Act, 1920	10 & 11 Geo. 5. c.49
Child Care Act, 1991	1991, No. 17
Civil Liability Act, 1961	1961, No. 41
Combat Poverty Agency Act, 1986	1986, No. 14
Companies Acts, 1963 to 1990	
Comptroller and Auditor General (Amendment) Act, 1993	1993, No. 8
Health Act, 1970	1970, No. 1
Health Contributions Act, 1979	1979, No. 4
Local Authorities (Higher Education Grants) Acts, 1968 to 1992	
Local Government Act, 1941	1941, No. 23
Minimum Notice and Terms of Employment Act, 1973	1973, No. 4
Social Welfare (Consolidation) Act, 1993	1993, No. 27
Social Welfare Act, 1994	1994, No. 4
Social Welfare Act, 1995	1995, No. 3
Social Welfare (No. 2) Act, 1995	1995, No. 23
Terms of Employment (Information) Act, 1994	1994, No. 5
Youth Employment Agency Act, 1981	1981, No. 32

