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*Number 43 of 2009*

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**SOCIAL WELFARE AND PENSIONS (NO. 2) ACT 2009**

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Number 43 of 2009

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**SOCIAL WELFARE AND PENSIONS (NO. 2) ACT 2009**

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AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE ACTS AND TO AMEND THE PENSIONS ACT 1990.

[21st December, 2009]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

**1.—**(1) This Act may be cited as the Social Welfare and Pensions (No. 2) Act 2009.

Short title, construction, collective citations and commencement.

(2) The Social Welfare Acts and this Act, other than *Part 3*, shall be read together as one.

(3) The Pensions Acts 1990 to 2009 and *Part 3* may be cited together as the Pensions Acts 1990 to 2009.

(4) *Part 3* shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions.

**2.—**In this Act—

Definitions.

“Act of 1990” means the Pensions Act 1990;

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

“Act of 2008” means the Social Welfare (Miscellaneous Provisions) Act 2008;

“Act of 2009” means the Social Welfare and Pensions Act 2009;

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

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

[No. 43.] *Social Welfare and Pensions (No. 2) [2009.] Act 2009.*

PART 2

AMENDMENTS TO SOCIAL WELFARE ACTS

Social insurance benefits (new rates).

3.—(1) Schedule 2 to the Principal Act (as amended by section 3(1) of the Act of 2008) is amended by substituting the Parts set out in *Schedule 1* for Parts 1 to 4 of the said Schedule 2.

(2) This section comes into operation—

- (a) in so far as it relates to jobseeker's benefit, on 31 December 2009,
- (b) in so far as it relates to illness benefit, health and safety benefit, injury benefit and disablement gratuity, on 4 January 2010,
- (c) in so far as it relates to carer's benefit, State pension (transition), invalidity pension and a payment referred to in paragraph (a) of the definition of "relevant payment" in section 178 of the Principal Act, on 7 January 2010, and
- (d) in so far as it relates to disablement pension, death benefit under section 81, 82 or 83 of the Principal Act, State pension (contributory), widow's (contributory) pension, widower's (contributory) pension and guardian's payment (contributory), on 8 January 2010.

Social assistance payments (new rates).

4.—(1) Schedule 4 to the Principal Act (as amended by section 11 of the Act of 2009) is amended by substituting the Parts set out in *Schedule 2* for Parts 1 and 3 of the said Schedule 4.

(2) This section comes into operation—

- (a) in so far as it relates to jobseeker's allowance, pre-retirement allowance and farm assist, on 30 December 2009,
- (b) in so far as it relates to supplementary welfare allowance, on 4 January 2010,
- (c) in so far as it relates to disability allowance, on 6 January 2010,
- (d) in so far as it relates to one-parent family payment (other than where payable in respect of a widow or widower), carer's allowance and a payment referred to in paragraph (b) or (c) of the definition of "relevant payment" in section 178 of the Principal Act, on 7 January 2010, and
- (e) in so far as it relates to State pension (non-contributory), blind pension, widow's (non-contributory) pension, widower's (non-contributory) pension, one-parent family payment payable in respect of a widow or widower and guardian's payment (non-contributory), on 8 January 2010.

5.—(1) The following section is substituted for section 228 (as amended by section 5(1) of the Act of 2008) of the Principal Act: Family Income Supplement (new weekly rates).

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

- (a) in the case of a family which includes only 1 child, €506,
- (b) in the case of a family which includes 2 children, €602,
- (c) in the case of a family which includes 3 children, €703,
- (d) in the case of a family which includes 4 children, €824,
- (e) in the case of a family which includes 5 children, €950,
- (f) in the case of a family which includes 6 children, €1,066,
- (g) in the case of a family which includes 7 children, €1,102, or
- (h) in the case of a family which includes 8 or more children, €1,298.”.

(2) This section comes into operation on 1 January 2010.

6.—The Principal Act is amended:

Jobseeker’s allowance — amendments.

- (a) in section 142(1) (as amended by section 6(b) of the Act of 2009) by inserting “142B,” after “142A,”
- (b) in section 142A (inserted by section 6(c) of the Act of 2009)—
  - (i) in subsection (1)(a), by substituting “22” for “20”,
  - (ii) by substituting the following paragraph for subsection (4)(a):

“(a) the period of interruption of employment commenced on or before 30 December 2009 and where, in the period prior to that date, the claimant was not a person to whom this section applied,”

and

- (iii) in subsection (4)(d), by substituting “22” for “20”,

and

- (c) by inserting the following section after section 142A:

“Rates of assistance — ages 22 to 24 years. 142B.—(1) Notwithstanding section 142(1), in the case of a person who—

- (a) has attained the age of 22 years and has not attained the age of 25 years,
- (b) is not a person referred to in section 142(1)(a)(ii) (as amended by section 20 of the Social Welfare and Pensions Act 2007), and
- (c) is not entitled to an increase in respect of a qualified child,

the scheduled rate of jobseeker's allowance shall be the weekly rate set out in column (2) at reference 1(d) in Part 1 of Schedule 4, (inserted by section 4 of the *Social Welfare and Pensions (No. 2) Act 2009*) increased by the amount set out in column (3) of that Part opposite that reference for any period during which the claimant or beneficiary has a qualified adult, subject to the restriction that the claimant or beneficiary shall not be entitled for the same period to an increase of allowance under this subsection in respect of more than one person.

- (2) (a) In the case of a person referred to in subsection (1), and subject to paragraph (b), jobseeker's allowance shall be payable where the weekly means of the claimant or beneficiary—
  - (i) are less than €1, at the scheduled rate,
  - (ii) are equal to €1, at the scheduled rate reduced by €1, and
  - (iii) exceed €1, at the scheduled rate, reduced by €1 for each amount (if any) of €1 by which those weekly means exceed €1.
- (b) Where the weekly means of the claimant or beneficiary are equal to or exceed the scheduled rate, no jobseeker's allowance shall be payable.

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

- (a) the period of interruption of employment commenced on or before 30 December 2009 and where, in the period prior to that date, the claimant was not

a person to whom section 142A applied,

- (b) a claimant has exhausted, immediately prior to applying for an allowance under this section, his or her entitlement to benefit payable pursuant to section 67,
- (c) a claimant was in receipt of disability allowance immediately before he or she makes the claim under this section, or
- (d) a claimant is participating in the work placement programme.

(4) In subsection (3), ‘work placement programme’ means the programme commonly known by that name and administered by An Foras Áiseanna Saothair.”.

7.—(1) Schedule 4 to the Principal Act is amended by substituting the following for Part 4 (inserted by section 3 of the Social Welfare and Pensions Act 2008): Child benefit (new rates).

“PART 4

AMOUNTS OF CHILD BENEFIT

Amount for each of first 2 children	Amount for each child in excess of 2
(1)	(2)
€150.00	€187.00

”.

(2) This section comes into operation on 1 January 2010.

8.—(1) The Principal Act is amended by inserting the following section after section 38: Limitation on return of contributions.

“Limitation on return of contributions.

38A.—(1) Subject to subsections (2) and (3), an application, pursuant to section 34, 37 or 38, for the return of contributions shall be made—

- (a) within 4 years of the last day of the contribution year in respect of which the contributions concerned were paid, and
- (b) in such manner as the Minister or the Collector General, as appropriate, may from time to time determine.

(2) Subsection (1) shall not apply where—

- (a) an application for the return of contributions was made on or before 31 December 2009, or
- (b) the return of contributions is pursuant to a decision of a deciding officer or, where such decision is appealed, an appeals officer—
  - (i) on a question referred to in subparagraph (iv), (v), (vi), (x), (xi) or (xii) of section 300(2)(a), and
  - (ii) the request for such decision was received by the Minister on or before 31 December 2009.

(3) A return of contributions may be subject to all or any of the following:

- (a) a deduction of the amount of any contributions which—
  - (i) were paid at an incorrect rate in respect of an insured person, and
  - (ii) were treated, under Article 71(1) of the Social Welfare (Consolidated Contributions and Insurability) Regulations (S.I. No. 312 of 1996), as paid on account of contributions properly payable in respect of such person;
- (b) a deduction of an amount equivalent to the amount of any benefit paid to the person by reason of contributions having been paid in error.

(4) Regulations may provide for the method of calculation of the amount of any contributions due to be repaid.

(5) In this section—

‘benefit’ has the meaning assigned to it by section 7(2);

‘contributions’ means—

- (a) employment contributions,
- (b) self-employment contributions,
- (c) voluntary contributions, or
- (d) optional contributions.”.

(2) This section comes into operation on 1 January 2010.



**9.—**(1) Section 110 of the Principal Act is amended by substituting the following subsections for subsection (2):

Amendment to section 110 of Principal Act.

“(2) A State pension (contributory) shall not be payable in respect of any period preceding the date on which all self-employment contributions, referred to in subsection (1)(b), payable by the person concerned have been paid.

(3) Where the person has paid all contributions due under subsection (1)(b) other than contributions payable in respect of the last complete contribution year before the date such person attains pension age, subsection (2) shall not apply in respect of such person.

(4) Subsection (2) shall not apply to a claim for State pension (contributory) made on or before 31 December 2009.”.

(2) This section comes into operation on 1 January 2010.

**10.—**(1) Section 128 of the Principal Act is amended by substituting the following subsections for subsection (2):

Amendment to section 128 of Principal Act.

“(2) A pension shall not be payable in respect of any period preceding the date on which all self-employment contributions, referred to in subsection (1)(b), payable by the person concerned have been paid.

(3) Where the person has paid all contributions due under subsection (1)(b) other than contributions payable in respect of the last complete contribution year before the relevant time, subsection (2) shall not apply in respect of such person.

(4) Subsection (2) shall not apply to a claim for pension made on or before 31 December 2009.”.

(2) This section comes into operation on 1 January 2010.

**11.—**(1) Section 138 of the Principal Act is amended by substituting the following subsection for subsection (2):

Amendment to section 138 of Principal Act.

“(2) The regulations, for the purposes of this section, may specify the payment of the whole or any part of the cost of any of the following:

(a) the carrying out of a dental examination;

(b) the carrying out of an optical examination;

(c) appliances provided under the scheme commonly known as the Medical Appliances Scheme.”.

(2) The amendment effected by *subsection (1)* shall not apply to any treatment or benefit approved on or before 31 December 2009 pursuant to and in accordance with section 138 and regulations made under it.

(3) This section comes into operation on 1 January 2010.

Supplementary  
welfare allowance  
— amendments.

**12.**—Section 187 (as amended by section 14 of the Act of 2008) of the Principal Act is amended by—

(a) inserting the following definition:

“ ‘institution’ means—

- (a) a hospital, convalescent home or home for persons suffering from physical or mental disability or accommodation ancillary to such hospital or home,
- (b) any premises providing residence, maintenance or care for the persons therein,
- (c) a prison or place of detention, or
- (d) a prescribed institution;”

and

(b) substituting the following definition for the definition of “mortgage interest”:

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

- (a) interest payable in relation to such agreement by virtue of a delay or default in making a repayment under that agreement, or
- (b) the aggregate of—
  - (i) any relief for interest due to the person under section 244 (as amended by section 3 of the Finance Act 2009) of the Act of 1997, and
  - (ii) any mortgage allowance or mortgage subsidy attributable to interest which may be payable by a local authority on behalf of the person under the Housing Acts 1963 to 2009.”

Amendment to  
section 197 of  
Principal Act.

**13.**—Section 197 (as amended by section 7 of the Act of 2009) of the Principal Act is amended—

(a) in subsection (2), by substituting “22” for “20”,

(b) in subsection (3), by substituting the following paragraph for paragraph (a):

“(a) has been in continuous receipt of the allowance from a date on or before 30 December 2009 and where, in the period prior to that date the

claimant was not a person to whom subsection (2) applied,”

- (c) in subsection (3)(b), by substituting “22” for “20”, and
- (d) by inserting the following subsections after subsection (3):

“(4) Notwithstanding subsection (1), in the case of a person who has attained the age of 22 years but has not attained the age of 25 years and who has no means as determined by this Chapter, and is not entitled to an increase in respect of a qualified child, subject to any payment under section 198, the weekly amount of supplementary welfare allowance payable shall be as set out in column (2) at reference 10(c) (inserted by section 4 of the *Social Welfare and Pensions (No. 2) Act 2009*) of Part 1 of Schedule 4 increased by the amount set out in column (3) of that Part for any period during which the beneficiary has a qualified adult subject to the restriction that the claimant or beneficiary shall not be entitled for the same period to an increase of allowance under this subsection in respect of more than one person.

(5) Subsection (4) shall not apply in the case of a claim for supplementary welfare allowance where the claimant has been in continuous receipt of the allowance from a date on or before 30 December 2009 and where, in the period prior to that date the claimant was not a person to whom subsection (2) applied.”.

**14.**—Section 198 of the Principal Act is amended by substituting the following subsection for subsection (3F) (inserted by section 7 of the Act of 2009)—

Weekly or monthly supplements — amendment.

“(3F) A person shall not be entitled to a payment referred to in subsection (3) unless, on the making of the application, the Executive is satisfied that the person is a *bona fide* tenant, and has been—

- (a) assessed by a housing authority pursuant to section 9 of the Housing Act 1988 (as amended by section 75 of the Health Act 2004) as having a housing need,
- (b) residing, for the period that is prescribed, in rented accommodation in respect of which—
  - (i) there was at the commencement of the tenancy, an expectation that, in so far as was reasonable in all the circumstances, the person could pay the rent into the future, and
  - (ii) the person was in a position to pay the rent at the commencement of the tenancy,

and subsequent to the commencement of the tenancy the person has experienced a substantial change in his or her circumstances and is unable to pay the rent and such change in circumstances has not been caused by that person,

- (c) residing, for the period that is prescribed, in accommodation for homeless persons as provided under section 10 of the Housing Act 1988, or
- (d) residing, for the period that is prescribed, in an institution.”.

Amendment to section 246 of Principal Act.

**15.**—Section 246 (as amended by the Social Welfare and Pensions Act 2008) of the Principal Act is amended by inserting the following subsections after subsection (4):

“(5) Notwithstanding subsections (1) to (4) and subject to subsection (9), a person who does not have a right to reside in the State shall not, for the purposes of this Act, be regarded as being habitually resident in the State.

(6) The following persons shall, for the purpose of subsection (5), be taken to have a right to reside in the State:

- (a) an Irish citizen under the Irish Nationality and Citizenship Acts 1956 to 2004;
- (b) a person who has a right to enter and reside in the State under the European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006), the European Communities (Aliens) Regulations 1977 (S.I. No. 393 of 1977) or the European Communities (Right of Residence for Non-Economically Active Persons) Regulations 1997 (S.I. No. 57 of 1997);
- (c) a person in respect of whom a declaration within the meaning of section 17 of the Act of 1996 is in force;
- (d) a member of the family of a refugee, or a dependent member of the family of a refugee, in respect of whom permission has been granted to enter and reside in the State under, and in accordance with, section 18(3)(a) or, as the case may be, section 18(4)(a) of the Act of 1996;
- (e) a programme refugee within the meaning of section 24 of the Act of 1996;
- (f) a person who has been granted permission to remain in the State under Regulation 4(4) of the Regulations of 2006;
- (g) a person who has been granted permission to enter, and reside in, the State under Regulation 16(3)(a) or 16(4)(a) of the Regulations of 2006 by the Minister for Justice, Equality and Law Reform;
- (h) a person whose presence in the State is in accordance with a permission to be in the State given by or on behalf of the Minister for Justice, Equality and Law Reform under and in accordance with section 4 or 5 of the Immigration Act 2004.

(7) The following persons shall not be regarded as being habitually resident in the State for the purpose of this Act:

- (a) a person who has made an application under section 8 of the Act of 1996 and where the Minister for Justice, Equality and Law Reform has not yet made a decision as to whether a declaration under section 17 of the Act of 1996 will be given in respect of such application;
  - (b) a person in respect of whom an application for subsidiary protection has been made under Regulation 4 of the Regulations of 2006 and where a determination under that Regulation has not yet been made in respect of such application;
  - (c) a person who has been notified under section 3(3)(a) of the Immigration Act 1999 that the Minister for Justice, Equality and Law Reform proposes to make a deportation order, whether or not that person has made representations under section 3(3)(b) of that Act, and where the Minister for Justice, Equality and Law Reform has not yet made a decision as to whether a deportation order is to be made in respect of such person;
  - (d) a person who has made an application under section 8 of the Act of 1996 which has been refused by the Minister for Justice, Equality and Law Reform;
  - (e) a person in respect of whom an application for subsidiary protection has been made under Regulation 4 of the Regulations of 2006 and a determination has been made that the person is not eligible for subsidiary protection under the Regulations of 2006;
  - (f) a person in respect of whom a deportation order has been made under section 3(1) of the Immigration Act 1999.
- (8) For the purpose of this Act, where a person—
- (a) is given a declaration that he or she is a refugee under section 17 of the Act of 1996,
  - (b) is granted permission to enter and remain in the State under section 18(3)(a) or 18(4)(a) of the Act of 1996,
  - (c) is granted permission to remain in the State under Regulation 4(4) of the Regulations of 2006,
  - (d) is granted permission to enter and reside in the State under Regulation 16(3)(a) or 16(4)(a) of the Regulations of 2006, or
  - (e) is granted permission to remain in the State under and in accordance with the Immigration Act 1999 or the Immigration Act 2004,

he or she shall not be regarded as being habitually resident in the State for any period before the date on which the declaration referred to in paragraph (a) was given or the permission referred to in paragraph (b), (c), (d) or (e), was granted.

(9) Notwithstanding that a person has, or is taken to have in accordance with subsection (6), a right to reside in the State the determination as to whether that person is habitually resident in the State shall be made in accordance with subsections (1) and (4).

(10) In this section—

‘Act of 1996’ means the Refugee Act 1996;

‘Regulations of 2006’ means the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).”.

Social welfare inspectors — amendment.

**16.**—Section 250 (as amended by sections 29 and 37 of the Social Welfare Law Reform and Pensions Act 2006) of the Principal Act is amended by substituting the following subsections for subsection (16):

“(16) For the purpose of ensuring compliance with this Act, a social welfare inspector may—

(a) if accompanied by—

(i) a member of the Garda Síochána in uniform, or

(ii) an officer of Customs and Excise in uniform,

and

(b) on production of his or her certificate of appointment,

stop any vehicle and, for such purpose, may—

(i) question and make enquiries of any person in the vehicle or in the vicinity of the vehicle, and

(ii) require such person, where the social welfare inspector reasonably suspects that the vehicle is being used in the course of employment or self-employment, to give to the social welfare inspector any record relating to the employment or self-employment of such person which such person has possession of in the vehicle.

(17) In this section ‘officer of Customs and Excise’ has the meaning assigned to it by the Customs Act 1956.”.

Information to be furnished by financial institutions.

**17.**—The Principal Act is amended by inserting the following sections after section 250:

“Information to be furnished by financial institutions.

250A.—(1) In this section—

‘authorised officer’ means an officer appointed by the Minister under section 250B to exercise the powers conferred on him or her by and under this section;

‘books, records or other documents’ includes—

- (a) any records used in the business of a financial institution, or used in the transfer department of a financial institution acting as registrar of securities, whether—
  - (i) comprised in bound volume, loose-leaf binders or other loose-leaf filing system, loose-leaf ledger sheets, pages, folios or cards, or
  - (ii) kept on microfilm, magnetic tape or in any non-legible form (by the use of electronics or otherwise) which is capable of being reproduced in a legible form,
- (b) every electronic or other automatic means, if any, by which any such thing in non-legible form is capable of being reproduced,
- (c) documents in manuscript, documents which are typed, printed, stencilled or created by any other mechanical or partly mechanical process in use from time to time and documents which are produced by any photographic or photostatic process, and
- (d) correspondence and records of other communications between a financial institution and its customers;

‘financial institution’ means—

- (a) a person who holds or has held a licence under section 9 of the Central Bank Act 1971, or a person who holds or has held a licence or other similar authorisation under the law of any other Member State which corresponds to a licence granted under that section,
- (b) a person referred to in section 7(4) of the Central Bank Act 1971, or
- (c) a credit institution (within the meaning of the European Communities (Licensing and Supervision of Credit Institutions) Regulations 1992 (S.I. No. 395 of 1992)) which has been authorised by the Central Bank and Financial Services Authority of Ireland to carry on business of a credit institution in accordance with the provisions of the supervisory enactments (within the meaning of those Regulations).

(2) Notwithstanding any obligation as to secrecy or other restriction upon disclosure of information imposed by or under statute or otherwise,

and subject to this section, an authorised officer, for the purpose of ensuring compliance with this Act, who has reasonable grounds to believe that there has been a contravention of this Act by a claimant or beneficiary may serve on a financial institution a notice in writing requiring the financial institution, within such period as may be specified in the notice, not being less than 30 days from the date of the service of the notice to do either or both of the following:

- (a) to make available for inspection by the authorised officer such books, records, or other documents specified in the notice as are in the power, possession or procurement of the financial institution and as contain, or may, in the opinion of the authorised officer formed on reasonable grounds, contain information relevant to such contravention;
- (b) to furnish to the authorised officer, in writing or otherwise, such information, explanations and particulars specified in the notice as the authorised officer may reasonably require, being information, explanations and particulars that are relevant to such contravention.

(3) Where, in compliance with the requirements of a notice under subsection (2), a financial institution makes available for inspection by an authorised officer, books, records or other documents, it shall afford the authorised officer reasonable assistance, including information, explanations and particulars, in relation to the use of all the electronic or other automatic means, if any, by which the books, records or other documents, in so far as they are in a non-legible form, are capable of being reproduced in a legible form and any data equipment or any associated apparatus or material.

(4) An authorised officer shall not serve a notice on a financial institution under subsection (2)—

- (a) without the consent in writing of a person designated by the Minister under this section, and
- (b) without having reasonable grounds to believe that the financial institution is likely to have information relevant to the claimant or beneficiary concerned and the contravention referred to in subsection (2).



(5) A notice served under subsection (2) shall name the claimant or beneficiary in respect of whom the authorised officer is enquiring.

(6) Where an authorised officer serves a notice under subsection (2), the authorised officer shall give the claimant or beneficiary concerned a copy of the notice.

(7) Where, in compliance with a notice served under subsection (2), a financial institution makes books, records or other documents available for inspection by an authorised officer, the authorised officer may make extracts from or copies of all or any part of the books, records or other documents.

(8) The Minister may designate in writing such and so many officers of the Minister as the Minister considers appropriate to consent to the service of a notice under this section.

(9) Where a notice—

(a) is to be served on a financial institution under this section it may be served—

(i) by leaving it at or sending it by post to the registered office of the body corporate,

(ii) by leaving it at or sending it by post to any place in the State at which the body corporate conducts its business, or

(iii) by sending it by post to any person who is a director, manager, secretary or other officer of the financial institution or is purporting to act in any such capacity, at the place where that person resides,

and

(b) is to be given to a claimant or beneficiary it shall be addressed to the person concerned by name and may be sent or given—

(i) by delivering it to the person,

(ii) by leaving it at the address at which the person ordinarily resides or, in a case where an address for service has been furnished, at that address, or

(iii) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case where an

address for service has been furnished, to that address.

(10) A person who fails or refuses to comply with a notice under subsection (2) shall be guilty of an offence and shall be liable—

(a) on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €20,000 or imprisonment for a term not exceeding 2 years or both.

Authorised officers.

250B.—(1) The Minister may appoint such and so many officers of the Minister as the Minister considers appropriate to be authorised officers for the purposes of section 250A.

(2) An authorised officer appointed under this section shall be furnished with a certificate of his or her appointment by the Minister.

(3) When exercising a power conferred on him or her by this section, an authorised officer shall, if requested by a person thereby affected, produce the certificate of his or her appointment to that person.

(4) An appointment under this section shall cease when—

(a) the Minister revokes the appointment,

(b) the person ceases to be an officer of the Minister, or

(c) if it is made for a fixed period, on the expiry of that period.”.

Exchange of information — amendment.

**18.**—Section 261 of the Principal Act is amended by inserting the following subsection after subsection (2):

“(2A) Information held by the Minister for the purpose of this Act or the control of schemes administered by or on behalf of the Minister or the Department of Social and Family Affairs may be transferred by the Minister to—

(a) the competent authority of a Member State other than the State, or

(b) an international organisation, any other state or government or the proper authority under any other government in respect of which an order has been made under section 287.”.

19.—Schedule 3 to the Principal Act is amended—

Schedule 3 —  
amendment.

(a) in Part 1 by inserting the following definitions:

“ ‘incentive payment’ means an incentive payment made under the special incentive career break scheme;

‘special incentive career break scheme’ means the scheme commonly known by that name announced on the direction of the Minister for Finance on 30 April 2009 entitling civil servants of a certain class to apply for not less than 3 years special leave without pay and an incentive payment;”

(b) in Part 2 by inserting the following Rule after Rule 1:

“1A. In the calculation of the means of a person for the purposes of Chapters 2, 3, 10 and 11 of Part 3, notwithstanding any exclusion under Rule 1(2)(b), account shall be taken of any incentive payments made to a person or the spouse of such person under the special incentive career break scheme and without prejudice to the generality of the foregoing—

(a) the exclusion under Rule 1(2)(b)(iv)(II) of moneys earned by the person or his or her spouse shall not apply to any incentive payment made to the person or his or her spouse under such scheme, and

(b) the exclusion under Rule 1(2)(b)(vi) of moneys earned by the spouse concerned shall not apply to any incentive payment made to such spouse under such scheme.”

(c) in Part 4 (as amended by section 24 of the Social Welfare and Pensions Act 2008) by inserting the following Rule after Rule 2:

“2A. (1) In the calculation of the weekly means of a person for supplementary welfare allowance, notwithstanding any exclusion under Rule 1(2)(b), account shall be taken of any incentive payment made to a person or the spouse of such person under the special incentive career break scheme.

(2) Without prejudice to the generality of paragraph (1), for the purposes of Rule 2, additional income does not include income arising from any incentive payment under such scheme which is made to a person referred to in Rule 1(2)(b)(v).”

(d) in Part 5 by inserting the following Rule after Rule 6:

“6A. (1) In the calculation of the means of a person, notwithstanding any exclusion under Rule 1(2)(b), account shall be taken of any incentive payment made to a person or the spouse of a person under the special incentive career break scheme.

(2) Without prejudice to the generality of paragraph (1), for the purposes of Rule 1(2)(b)(viii), the exclusion

for one-parent family payment, of any moneys received by way of earnings referred to in that Rule shall not apply to any incentive payment made to a person under the special incentive career break scheme.”.

Schedule 5 — amendment.

**20.**—Schedule 5 (as amended by section 32 of the Act of 2007) to the Principal Act is amended in paragraph 1.(4)—

(a) by inserting “Health and Social Care Professionals Council,” after “Enterprise Ireland,” and

(b) by inserting “the Road Safety Authority,” after “the Private Security Authority,”.

### PART 3

#### AMENDMENT TO ACT OF 1990

Amendment to Act of 1990.

**21.**—(1) Section 141(1) (inserted by section 5 of the Pensions (Amendment) Act 2002) of the Act of 1990 is amended in paragraph (a)(ii) by substituting “the Pensions Ombudsman” for “the Minister”.

(2) Where immediately before the commencement of *subsection (1)* any legal proceedings under section 141(1) of the Act of 1990 to which the Minister is a party are pending, the name of the Pensions Ombudsman shall be substituted in the proceedings for the name of the Minister and the proceedings shall not abate by reason of such substitution.

SCHEDULE 1

Section 3.

“PART 1

RATES OF PERIODICAL BENEFITS AND INCREASES

Description of benefit	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for pre-scribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	€	€	€	€	€	€	€
1. Illness Benefit, Jobseeker's Benefit, Injury Benefit and Health and Safety Benefit	196.00	130.10	29.80	—	—	—	—
2. Death Benefit:							
(a) pension payable to a widow or widower (section 81)	226.50	—	29.80	143.00	7.70	10.00	12.70
additional increase for a widow or widower (under section 81) who has attained pensionable age	8.20	—	—	—	—	—	—
(b) pension payable to a parent:							
(i) reduced rate	109.50	—	—	143.00	7.70	—	—
(ii) maximum rate	226.50	—	—	143.00	7.70	—	—
(c) pension payable to an orphan	172.80	—	—	—	—	—	—
3. State Pension (Contributory) and State Pension (Transition):	230.30	153.50	29.80	143.00	7.70	10.00	12.70
additional increase for a qualified adult who has attained pensionable age	—	52.80	—	—	—	—	—
4. Invalidity Pension:	201.50	143.80	29.80	143.00	7.70	10.00	12.70
additional increase for a beneficiary who has attained the age of 65 years	28.80	—	—	—	—	—	—

Description of benefit	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for pre-scribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
additional increase where qualified adult has attained pensionable age	—	62.50	—	—	—	—	—
5. Widow's (Contributory) Pension and Widower's (Contributory) Pension and a payment referred to in paragraph (a) of the definition of 'relevant payment' in section 178:	201.50	—	29.80	143.00	7.70	10.00	12.70
additional increase for a beneficiary who has attained pensionable age	28.80	—	—	—	—	—	—
6. Guardian's Payment (Contributory)	169.00	—	—	—	—	—	—
7. Carer's Benefit:							
(a) in the case of a person to whom section 102(1)(b) applies	213.00	—	29.80	—	—	—	—
(b) in the case of a person to whom section 102(1)(a) applies	319.50	—	29.80	—	—	—	—

PART 2

OCCUPATIONAL INJURIES BENEFITS — GRATUITIES AND GRANT

Description of Grant (1)	Amount (2)
	€
1. Disablement Benefit: Maximum gratuity	15,880
2. Death Benefit	850

PART 3

DISABLEMENT PENSION

Degree of disablement (1)	Weekly rate (2)
	€
100 per cent... ..	227.00
90 per cent... ..	204.30
80 per cent... ..	181.60
70 per cent... ..	158.90
60 per cent... ..	136.20
50 per cent... ..	113.50
40 per cent... ..	90.80
30 per cent... ..	68.10
20 per cent... ..	45.40

PART 4

INCREASES OF DISABLEMENT PENSION

Description of increase (1)	Weekly rate (2)	Increase where the person is living alone (3)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable) (4)
	€	€	€
1. Increase where the person is permanently incapable of work	196.00	7.70	12.70
2. Increase where the person requires constant attendance	213.00	—	—

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[No. 43.] *Social Welfare and Pensions (No. 2) [2009.] Act 2009.*

Section 4.

SCHEDULE 2

“PART 1

RATES OF PERIODICAL SOCIAL ASSISTANCE AND INCREASES

Description of assistance	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for prescribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	€	€	€	€	€	€	€
1. Jobseeker's Allowance:							
(a) in the case of a person to whom section 142(1)(a) applies	196.00	130.10	29.80	—	—	—	—
(b) in the case of a person to whom section 142(1)(b) applies	196.00	130.10	29.80	—	—	—	—
(c) in the case of a person to whom section 142A applies	100.00	100.00	—	—	—	—	—
(d) in the case of a person to whom section 142B applies	150.00	130.10	—	—	—	—	—
2. Pre-Retirement Allowance	196.00	130.10	29.80	—	—	—	—
3. Disability Allowance	196.00	130.10	29.80	—	—	—	—
4. State Pension (Non-Contributory)	219.00	144.70	29.80	143.00	7.70	10.00	12.70
5. Blind Pension	196.00	130.10	29.80	143.00	7.70	10.00	12.70
6. Widow's (Non-Contributory) Pension, Widower's (Non-Contributory) Pension and a payment referred to in paragraph (b) or (c) of the definition of 'relevant payment' in section 178	196.00	—	29.80	143.00	7.70	10.00	12.70
7. One-Parent Family Payment	196.00	—	29.80	—	—	—	—



Description of assistance	Weekly rate	Increase for qualified adult (where payable)	Increase for each qualified child (where payable)	Increase for prescribed relative under section 183 (where payable)	Increase where the person is living alone (where payable)	Increase where the person has attained the age of 80 years (where payable)	Increase where the person is ordinarily resident on an island off the coast of Ireland (where payable)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
8. Carer's Allowance:							
(a) in the case of a person to whom section 181(1)(a) applies	318.00	—	29.80	—	—	10.00	12.70
additional increase for a beneficiary who has attained pensionable age	40.50	—	—	—	—	—	—
(b) in the case of a person to whom section 181(1)(b) applies	212.00	—	29.80	—	—	10.00	12.70
additional increase for a beneficiary who has attained pensionable age	27.00	—	—	—	—	—	—
9. Guardian's Payment (Non-Contributory)	169.00	—	—	—	—	—	—
10. Supplementary Welfare Allowance:							
(a) in the case of a person to whom section 197(1) applies	196.00	130.10	29.80	—	—	—	—
(b) in the case of a person to whom section 197(2) applies	100.00	100.00	—	—	—	—	—
(c) in the case of a person to whom section 197(4) applies	150.00	130.10	—	—	—	—	—
11. Farm Assist	196.00	130.10	29.80	—	—	—	—

## PART 3

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

Means of claimant or pensioner	Weekly rate of increase
	€
Where the weekly means of the claimant or pensioner do not exceed €7.60	130.10
exceed €7.60 but do not exceed € 10.10	128.40
exceed €10.10 but do not exceed €12.60	126.80
exceed €12.60 but do not exceed €15.10	125.10
exceed €15.10 but do not exceed €17.60	123.50
exceed €17.60 but do not exceed €20.10	121.80
exceed €20.10 but do not exceed €22.60	120.10
exceed €22.60 but do not exceed €25.10	118.50
exceed €25.10 but do not exceed €27.60	116.80
exceed €27.60 but do not exceed €30.10	115.20
exceed €30.10 but do not exceed €32.60	113.50
exceed €32.60 but do not exceed €35.10	111.80
exceed €35.10 but do not exceed €37.60	110.20
exceed €37.60 but do not exceed €40.10	108.50
exceed €40.10 but do not exceed €42.60	106.90
exceed €42.60 but do not exceed €45.10	105.20
exceed €45.10 but do not exceed €47.60	103.50
exceed €47.60 but do not exceed €50.10	101.90
exceed €50.10 but do not exceed €52.60	100.20
exceed €52.60 but do not exceed €55.10	98.60
exceed €55.10 but do not exceed €57.60	96.90
exceed €57.60 but do not exceed €60.10	95.30
exceed €60.10 but do not exceed €62.60	93.60
exceed €62.60 but do not exceed €65.10	91.90
exceed €65.10 but do not exceed €67.60	90.30
exceed €67.60 but do not exceed €70.10	88.60
exceed €70.10 but do not exceed €72.60	87.00
exceed €72.60 but do not exceed €75.10	85.30
exceed €75.10 but do not exceed €77.60	83.60
exceed €77.60 but do not exceed €80.10	82.00
exceed €80.10 but do not exceed €82.60	80.30
exceed €82.60 but do not exceed €85.10	78.70
exceed €85.10 but do not exceed €87.60	77.00
exceed €87.60 but do not exceed €90.10	75.30
exceed €90.10 but do not exceed €92.60	73.70
exceed €92.60 but do not exceed €95.10	72.00
exceed €95.10 but do not exceed €97.60	70.40
exceed €97.60 but do not exceed €100.10	68.70
exceed €100.10 but do not exceed €102.60	67.00

Means of claimant or pensioner	Weekly rate of increase
exceed €102.60 but do not exceed €105.10	65.40
exceed €105.10 but do not exceed €107.60	63.70
exceed €107.60 but do not exceed €110.10	62.10
exceed €110.10 but do not exceed €112.60	60.40
exceed €112.60 but do not exceed €115.10	58.70
exceed €115.10 but do not exceed €117.60	57.10
exceed €117.60 but do not exceed €120.10	55.40
exceed €120.10 but do not exceed €122.60	53.80
exceed €122.60 but do not exceed €125.10	52.10
exceed €125.10 but do not exceed €127.60	50.40
exceed €127.60 but do not exceed €130.10	48.80
exceed €130.10 but do not exceed €132.60	47.10
exceed €132.60 but do not exceed €135.10	45.50
exceed €135.10 but do not exceed €137.60	43.80
exceed €137.60 but do not exceed €140.10	42.10
exceed €140.10 but do not exceed €142.60	40.50
exceed €142.60 but do not exceed €145.10	38.80
exceed €145.10 but do not exceed €147.60	37.20
exceed €147.60 but do not exceed €150.10	35.50
exceed €150.10 but do not exceed €152.60	33.90
exceed €152.60 but do not exceed €155.10	32.20
exceed €155.10 but do not exceed €157.60	30.50
exceed €157.60 but do not exceed €160.10	28.90
exceed €160.10 but do not exceed €162.60	27.20
exceed €162.60 but do not exceed €165.10	25.60
exceed €165.10 but do not exceed €167.60	23.90
exceed €167.60 but do not exceed €170.10	22.20
exceed €170.10 but do not exceed €172.60	20.60
exceed €172.60 but do not exceed €175.10	18.90
exceed €175.10 but do not exceed €177.60	17.30
exceed €177.60 but do not exceed €180.10	15.60
exceed €180.10 but do not exceed €182.60	13.90
exceed €182.60 but do not exceed €185.10	12.30
exceed €185.10 but do not exceed €187.60	10.60
exceed €187.60 but do not exceed €190.10	9.00
exceed €190.10 but do not exceed €192.60	7.30
exceed €192.60 but do not exceed €195.10	5.60
exceed €195.10 but do not exceed €197.60	4.00
exceed €197.60 but do not exceed €200.10	2.30

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