Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 20 *of* 2013

SOCIAL WELFARE AND PENSIONS (MISCELLANEOUS PROVISIONS) ACT 2013

REVISED

Updated to 1 January 2018

This Revised Act is an administrative consolidation of the *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Finance Act 2017* (41/2017), enacted 25 December 2017, and all statutory instruments up to and including *Legal Metrology (Measuring Instruments) Act 2017 (Commencement) Order 2018* (S.I. No. 1 of 2018), made 4 January 2018, were considered in the preparation of this Revised Act.

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SOCIAL WELFARE AND PENSIONS (MISCELLANEOUS PROVISIONS) ACT 2013

REVISED

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Number 20 *of* 2013

Number 20 *of* 2013

SOCIAL WELFARE AND PENSIONS (MISCELLANEOUS PROVISIONS) ACT 2013

REVISED

Updated to 1 January 2018

An Act to amend and extend the Social Welfare Acts, the Civil Registration Act 2004, the Pensions Act 1990 and to provide for related matters. [28*th June*, 2013]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, construction, collective citations and commencement

1. (1) This Act may be cited as the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013.

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

(3) The Civil Registration Acts 2004 to 2012 and *Part 3* shall be read together as one and may be cited together as the Civil Registration Acts 2004 to 2013.

(4) The Pensions Acts 1990 to 2012 and *Part 4* shall be read together as one and may be cited together as the Pensions Acts 1990 to 2013.

(5) *Sections 3*, *8*, *15*, *22(b)*, *26*, *27*, *28*, *29*, and *34* shall come into operation on such day or days as the Minister for Social Protection 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.

Annotations

Editorial Notes:

E1 Power pursuant to subsec. (5) exercised (3.03.2014) by *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (Sections 22(b), 26, 27, 28, 29 and 34) (Commencement) Order 2014* (S.I. No. 103 of 2014).

E2 Power pursuant to subsec. (5) exercised (25.10.2013) by *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (Section 3) (Commencement) Order 2013* (S.I. No. 404 of 2013).

E3 Power pursuant to subsec. (5) exercised (26.09.2013) by *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (Section 15) (Commencement) Order 2013* (S.I. No. 369 of 2013).

E4 Power pursuant to subsec. (5) exercised (2.09.2013) by *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (Section 8) (Commencement) Order 2013* (S.I. No. 339 of 2013).

PART 2

Amendments to Social Welfare Acts

Definitions

2. In this Part—
"Act of 2010" means the Social Welfare and Pensions Act 2010;
"Principal Act" means the Social Welfare Consolidation Act 2005.

Amendments consequent upon dissolution of An Foras Áiseanna Saothair

3. (1) Section 2 of the Principal Act is amended—

(a) in subsection (1)—

(i) by inserting the following definition:

" 'approved course of training' means a course of training provided by or on behalf of—

(a) an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013, or

(b) a body established by or under an enactment that provides for the dissolution of An Foras Áiseanna Saothair and confers on that body functions that are similar to the functions that, immediately before the day on which the body stands established, were vested in An Foras Áiseanna Saothair;",

(ii) in paragraph (b) of the definition of "reckonable earnings"—

(I) in subparagraph (i) by substituting "Part 44 of that Act," for "Part 44 of that Act, and", and

(II) by substituting the following for subparagraph (ii):

"(ii) payments to persons attending approved courses of training, and

(iii) payments to persons attending or engaged in courses or schemes provided or approved by—

(I) Teagasc, or

(II) the National Tourism Development Authority,",

and

(b) in subsection (2)(a)(v) by substituting "an approved course of training," for "a non-craft full-time course approved by An Foras Áiseanna Saothair under the Industrial Training Act 1967,".

(2) Section 62(8)(a) of the Principal Act is amended by substituting the following for subparagraph (v):

"(v) attendance at an approved course of training,".

(3) Section 141(6) of the Principal Act is amended by substituting the following for paragraph (e):

"(e) attendance at an approved course of training,".

(4) Reference No. 13 of Table 2 of Schedule 3 to the Principal Act is amended by substituting "an approved course of training," for "a course approved by An Foras Áiseanna Saothair under the Industrial Training Act 1967,".

Definition of special contributor

4. Section 2(1) of the Principal Act is amended in the definition of "special contributor" (inserted by section 13 of the Social Welfare Act 2011) by substituting the following for paragraph (b):

"(b) to whom paragraph (b) of section 13(4A) applies;".

Elections under Taxes Consolidation Act 1997 relating to charging, collection and recovery of self-employment contributions

5. Section 23 of the Principal Act is amended—

(a) by substituting the following for subsection (5) (amended by section 26 of the Act of 2010):

"(5) (a) Subject to paragraph (b), where an election made or deemed to be made under section 1018 of the Act of 1997 has effect for the year of assessment the self-employment contributions payable by a wife shall be charged, collected and recovered as if they were the contributions of her husband.

(b) The question as to the amount of the self-employment contributions payable in respect of the husband or the wife is not affected by this subsection.",

and

(b) by inserting the following after subsection (5):

"(5A) (a) Subject to paragraph (b), where an election made or deemed to be made under section 1031D of the Act of 1997 has effect for the year of assessment the self-employment contributions payable by the civil partner, who is not the nominated civil partner, shall be charged, collected and recovered as if they were the contributions of the nominated civil partner.

(b) The question as to the amount of the self-employment contributions payable in respect of each civil partner in a civil partnership is not affected by this subsection.".

Contributions by certain employed contributors

6. (1) Section 2(1) of the Principal Act is amended—

(a) in the definition of "reckonable emoluments" (amended by section 8 of the Social Welfare and Pensions Act 2012) by substituting "self-employed contributor or a person to whom Chapter 5B of Part 2 applies," for "self-employed contributor,", and

(b) in the definition of "reckonable income" (amended by section 8 of the Social Welfare (Miscellaneous Provisions) Act 2008) by substituting "a self-employed contributor, an optional contributor or, subject to Chapter

5B of Part 2, a person to whom that Chapter of that Part applies," for "a self-employed contributor or an optional contributor,".

(2) Section 6 of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (d) by substituting "voluntary contributors," for "voluntary contributors, and", and

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

"(da) contributions under Chapter 5A of Part 2,

(db) contributions under Chapter 5B of Part 2, and",

and

(b) in subsection (2) by substituting "optional contributions, voluntary contributions and contributions under Chapters 5A and 5B of Part 2" for "optional contributions and voluntary contributions".

(3) (a) Part 2 of the Principal Act is amended by inserting the following after Chapter 5A (inserted by section 14 of the Act of 2010):

"CHAPTER 5B

Contributions by Certain Employed Contributors

Application of Chapter 5B

30E. (1) This Chapter applies to an employed contributor who, in a contribution year, receives income referred to in subsection (2) and who—

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

(b) is employed in any one or more of the employments specified in Article 81, 82, 83 or 84 of the Regulations of 1996.

(2) The income received by an employed contributor in a contribution year to which subsection (1) refers is one or both of the following as the case may be:

(a) reckonable emoluments;

(b) reckonable income, where such reckonable income includes income to which—

(i) Chapter 3 of Part 4, or

(ii) Part 43,

of the Act of 1997 applies.

Contribution payable by person to whom Chapter 5B applies

30F. (1) An employed contributor to whom this Chapter applies shall, in addition to any employment contribution which that person is liable

to pay under Chapter 2 of Part 2 or regulations made under that Chapter, be liable to a contribution at the rate of 4 per cent of any reckonable emoluments and reckonable income referred to in section 30E and received in a contribution year.

(2) A contribution payable in accordance with this Chapter shall be disregarded in determining whether the contribution conditions for any benefit are satisfied.

(3) Regulations may provide for adjustments in the calculation of amounts payable in respect of liability for contributions under this Chapter to facilitate computation and for the elimination from such contributions of amounts of not more than 5 cent and for the rounding up of amounts of more than 5 cent but less than 10 cent to 10 cent.

(4) Where, for a year of assessment (within the meaning of the Tax Acts), the Revenue Commissioners and an employer enter into an agreement under a specified provision of the Act of 1997 whereby the employer will account to the Revenue Commissioners, in accordance with that provision, in respect of the income tax due on qualifying emoluments (within the meaning of that provision) and where that agreement is not null and void, then in respect of those qualifying emoluments—

(a) the employer—

(i) as part of that agreement and in so far as the qualifying emoluments comprise reckonable emoluments to which the agreement applies, of an employed contributor to whom this Chapter applies, shall pay a contribution at a rate of 4 per cent in respect of the aggregate of the amount of those reckonable emoluments and the amount of income tax payable under the agreement in respect of them, and

(ii) notwithstanding Article 7 of the Regulations of 1996, shall not be entitled to recover from an employed contributor any part of a contribution paid in accordance with subparagraph (i),

and

(b) a contribution paid in accordance with paragraph (a)(i) shall be disregarded in determining whether the contribution conditions for any benefit are satisfied.

(5) In subsection (4) 'specified provision' means such provision as may be prescribed for the purposes of that subsection.

Regulations providing for collection of contributions under Chapter 5B etc.

30G. (1) For the purposes of the contribution payable in accordance with this Chapter, regulations may provide for—

(a) the time and manner of payment of such contributions,

(b) the collection and the recovery of and the furnishing of details in relation to such contributions,

(c) the charging of interest on arrears of such contributions,

(d) the waiving of interest due on arrears of such contributions,

(e) the estimation of amounts due in respect of such contributions and appeals in relation to those estimates,

(f) the deduction, by an employer from the reckonable emoluments of an employed contributor to whom this Chapter applies, of any contribution payable under this Chapter reasonably believed by the employer to be due by the contributor, and adjustment in any case of over-deduction, and

(g) any matter ancillary or incidental to any of the matters referred to in paragraphs (a) to (f).

(2) Without prejudice to the generality of subsection (1), regulations under that subsection may provide for the assignment of any function relating to a matter referred to in that subsection to the Collector-General or any other specified person.

(3) The provisions of any enactment or instrument made under any enactment relating to—

(a) the estimation, collection and recovery of income tax (including the provisions relating to the offset of taxes and appropriation of payments in Part 42 of the Act of 1997) or the inspection of records for those purposes,

(b) appeals in relation to income tax, or

(c) the publication of names of persons under section 1086 of the Act of 1997,

shall apply in relation to contributions payable under this Chapter in respect of reckonable emoluments that the Collector-General is obliged to collect as if the contributions were an amount of income tax that the employer was liable to remit to the Collector-General under the Income Tax (Employments) (Consolidated) Regulations 2001 (S.I. No. 559 of 2001).

(4) Other than in the case of the class or classes of employed contributors to whom this Chapter applies that may be prescribed, contributions payable in accordance with this Chapter for a contribution year in respect of reckonable income shall be assessed, charged and paid in all respects as if they were an amount of income tax and they may be stated in one sum (in this subsection referred to as the 'aggregated sum') with the income tax contained in any computation of or assessment to income tax made by or on that employed contributor for the year of assessment (within the meaning of the Income Tax Acts) which coincides with the contribution year and for this purpose the contributions payable in accordance with this Chapter may be so stated notwithstanding that there is no amount of income tax contained in that computation or assessment and all the provisions of the Income Tax Acts, other than any such provisions in so far as they relate to the granting of any allowance, deduction or relief, apply as if the aggregated sum were a single sum of income tax.

(5) (a) Subject to paragraph (b), where an election made or deemed to be made under section 1018 of the Act of 1997 has effect for the year of assessment the contributions payable under this Chapter by a wife shall be charged, collected and recovered as if they were the contributions of her husband.

(b) The question as to the amount of the contributions payable under this Chapter in respect of the husband or wife is not affected by this subsection.

(6) (a) Subject to paragraph (b), where an election made or deemed to be made under section 1031D of the Act of 1997 has effect for the year of assessment the contributions payable under this Chapter by the civil partner, who is not the nominated civil partner, shall be charged, collected and recovered as if they were the contributions of the nominated civil partner.

(b) The question as to the amount of the contributions payable under this Chapter in respect of each civil partner in a civil partnership is not affected by this subsection.

(7) In any proceedings instituted by virtue of this Act, a certificate purporting to be signed by an officer of the Revenue Commissioners or by any officer duly appointed by the Minister in that behalf which certifies that an amount in respect of contributions payable in accordance with this Chapter is due and payable by the defendant shall be evidence until the contrary is proved that that amount is so due and payable.".

(b) *Paragraph (a)*, in so far as it relates to liability for a contribution under section 30F(1) of the Principal Act (inserted by that paragraph), applies—

(i) in respect of any reckonable emoluments received by a person to whom Chapter 5B of Part 2 (inserted by *paragraph (a)*) of the Principal Act applies on or after the commencement of this section, and

(ii) in respect of any reckonable income received by a person to whom Chapter 5B of Part 2 (inserted by *paragraph (a)*) of the Principal Act applies—

(I) in respect of the contribution year commencing on 1 January 2013, and

(II) in respect of each subsequent contribution year.

(4) Section 34 of the Principal Act is amended by substituting "optional contributions or contributions under Chapter 5A or 5B of Part 2" for "optional contributions".

(5) Section 38A(5) of the Principal Act is amended in the definition of "contributions" (amended by section 15 of the Social Welfare Act 2010) by inserting the following:

"(f) contributions under Chapter 5A or 5B of Part 2.".

(6) Section 261 of the Principal Act is amended by substituting the following for subsection (1) (amended by section 31 of the Social Welfare and Pensions Act 2007):

"(1) Information held by the Minister for the purposes of this Act (including the purpose of collection by the Revenue Commissioners of employment and self-employment contributions and contributions under Chapter 5A or 5B of Part 2) may be transferred by the Minister to the Revenue Commissioners, and—

(a) information held by the Revenue Commissioners for the purposes of this Act or the Income Tax Acts relating to—

(i) employers,

(ii) reckonable earnings of employed contributors,

(iii) reckonable income or reckonable emoluments of self-employed contributors,

(iv) remuneration of persons to whom Chapter 5A of Part 2 applies,

(v) income of persons to whom Chapter 5B of Part 2 applies, or

(vi) any payments made under this Act,

or

(b) information contained in declarations made in accordance with Regulation 3 of the Income Tax (Relevant Contracts) Regulations 2000 (S.I. No. 71 of 2000),

may be transferred by the Revenue Commissioners to the Minister.".

(7) Section 300(2)(a) of the Principal Act is amended—

(a) in subparagraph (xi) by substituting "self-employment," for "self-employment, or", and

(b) by inserting the following after subparagraph (xii):

"(xiii) as to whether a contribution is or was payable in accordance with Chapter 5A or 5B of Part 2, or

(xiv) as to the rate of contribution which is or was payable in accordance with Chapter 5A or 5B of Part 2,".

(8) Section 341 of the Principal Act is amended by substituting the following for subsections (1) and (2):

"(1) Notwithstanding the assignment by—

(a) any regulations under section 17(1) to the Collector-General or any other person of any function referred to in that section in relation to employment contributions,

(b) any regulations under section 23(1) to the Collector-General or any other person of any function referred to in that section in relation to self-employment contributions, or

(c) any regulations under section 30G(1) to the Collector-General or any other person of any function referred to in that section in relation to contributions under Chapter 5B of Part 2,

all sums due to the Social Insurance Fund, other than in accordance with section 336, shall be recoverable as debts due to the State and, without prejudice to any other remedy, may be recovered by the Minister as a debt under statute or simple contract debt in any court of competent jurisdiction.

(2) Notwithstanding section 272, or any provision in any other enactment specifying the period within which proceedings may be commenced to recover a debt under statute or simple contract debt, any proceedings for the recovery of any sums due to the Social Insurance Fund by way of—

(a) employment contributions under section 13(1),

(b) self-employment contributions under section 21(1),

(c) contributions under Chapter 5A of Part 2, or

(d) contributions under Chapter 5B of Part 2,

may be brought and shall be maintainable at any time.".

(9) Part 3 of Schedule 1 to the Principal Act is amended by substituting the following for paragraph 5 (amended by section 26 of the Act of 2010):

"5. A person who is employed in any one or more of the employments specified in Article 81, 82, 83 or 84 of the Regulations of 1996.".

Civil partnerships and cohabitants

7. (1) The Principal Act is amended by substituting the following for section 37:

"Return of contributions — maintenance arrangements

37. Regulations may provide for the return of so much, if any, as may be prescribed subject to any conditions that may be prescribed, of any employment contribution, self-employment contribution, voluntary contribution, optional contribution or contribution under Chapter 5A or 5B of Part 2 paid by a contributor, in respect of any payment made by him or her under or pursuant to a maintenance arrangement—

(a) within the meaning of section 1025 of the Act of 1997 relating to a marriage, where the maintenance arrangement is for the benefit of the other party to the marriage, unless section 1026 of that Act applies in respect of that payment,

(b) within the meaning of section 1031J of the Act of 1997 relating to a civil partnership, where the maintenance arrangement is for the benefit of the other party to the civil partnership, unless section 1031K of that Act applies in respect of that payment, or

(c) within the meaning of section 1031Q of the Act of 1997 relating to a relationship between cohabitants, where the maintenance arrangement is for the benefit of the other cohabitant to the relationship.".

(2) Section 137(1) (inserted by section 18 of the Act of 2010 and amended by section 26 of that Act) of the Principal Act is amended by substituting "spouse or civil partner" for "spouse, civil partner or cohabitant or civil partner".

(3) Section 151 of the Principal Act is amended—

(a) in paragraph (c) by substituting "section 149(1)(c)(ii)," for "section 149(1)(c)(ii), and", and

(b) by inserting the following after paragraph (c):

"(ca) specify the circumstances in which a person is to be regarded as a civil partner where he or she is not living with the other civil partner of the civil partnership for the purposes of section 149(1)(c)(iia), and".

Entitlement to partial capacity benefit

8. Section 46A (inserted by section 12 of the Act of 2010) of the Principal Act is amended—

(a) in subsection (1)(b) by substituting "has" for "is assessed by a medical assessor as having",

(b) in subsection (2)—

(i) in paragraph (a) by deleting "the assessment required under", and

(ii) in paragraph (b) by deleting "the assessment referred to in",

(c) in subsection (4) by substituting "has" for "is assessed by a medical assessor as having", and

(d) by deleting subsection (8).

Retained fire fighters

9. (1) Section 2(1) of the Principal Act is amended by inserting the following definition:

" 'retained fire fighter' means a person commonly referred to as a retained fire fighter and employed by a fire authority, within the meaning of section 2(1) of the Fire Services Act 1981, on a part-time basis and on the basis of payment by the authority to him or her of a retaining fee as well as fees for performing, as required by the authority, any functions of a fire fighter;".

(2) Section 62(1) of the Principal Act is amended by substituting the following for paragraph (d):

"(d) other than in the case of a person engaged in casual employment or a person employed as a retained fire fighter, he or she has sustained a substantial loss of employment in any period of 7 consecutive days.".

(3) Section 141(3A) of the Principal Act is amended by substituting the following for paragraph (c):

"(c) where, in any payment week, jobseeker's allowance is payable in respect of a week of unemployment, the weekly means of that person derived from employment (other than employment as a retained fire fighter) under a contract of service, shall be determined by reference to the number of days worked in that payment week.".

Transition from one-parent family payment to jobseeker's allowance in certain circumstances

10. (1) Section 2 of the Principal Act is amended—

(a) in subsection (1) by substituting the following for the definition of "day of unemployment":

" 'day of unemployment'—

(a) in relation to Part 2, has the meaning given to it by section 62,

(b) in relation to Chapter 2 of Part 3, other than section 148A, has the meaning given to it by section 141(4) or (7), and

(c) in relation to section 148A, shall be construed in accordance with paragraph (c) of section 148A(5);",

and

(b) in subsection (8) (inserted by section 4 of the Act of 2010) by substituting "141, 148A and 274A," for "141 and 274A,".

(2) The Principal Act is amended by inserting the following after section 148:

"**Entitlement to jobseeker's allowance in certain circumstances**

148A.(1) This section applies to—

(a) a person who—

(i) in the period of 3 years immediately before making a claim for jobseeker's allowance under this section, has been in receipt

of one-parent family payment in respect of any part of that period, and

(ii) during the period for which jobseeker's allowance is being claimed under this section—

(I) is not entitled to one-parent family payment, and

(II) would be entitled to that payment but for the youngest child having attained the age specified in paragraph (b) of the definition of 'relevant age' in section 172(1),

or

(b) a person who—

(i) has previously been in receipt of jobseeker's allowance under this section, and

(ii) during any subsequent period for which jobseeker's allowance is being claimed under this section—

(I) is not entitled to one-parent family payment, and

(II) would be entitled to that payment but for the youngest child having attained the age specified in paragraph (b) of the definition of 'relevant age' in section 172(1).

(2) Subject to this section, a person to whom this section applies shall be entitled to jobseeker's allowance in respect of any week of unemployment, as construed in accordance with subsection (4)(b), where that person makes a declaration in such manner as may be prescribed that he or she—

(a) is the parent, step-parent, adoptive parent or legal guardian of at least one child who has not attained the age of 14 years and who normally resides, in accordance with Article 128 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007), with that person, and

(b) is not a cohabitant.

(3) Without prejudice to the generality of subsection (2), for the purposes of that subsection a person may make a declaration by means of an electronic communication, in such manner as may be prescribed.

(4) In the case of a person to whom this section applies, Chapter 2 of Part 3 shall be read as if—

(a) sections 141(1)(b), 141(1A), 141(2)(a), 141(3), 141(3A), 141(3B), 141(4)(b), 141(4)(c), 141(8), 147(4) and 148 do not apply,

(b) each period of 7 consecutive days were 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 Chapter 2 of Part 3 to a week of unemployment, to being continuously unemployed or to continuous unemployment shall be read accordingly, and

(c) the reference to a day or days of unemployment in sections 141(3C), 141(4), 141(7) and 143 were to any day or days in a week of unemployment as construed in accordance with paragraph (b).

(5) This section shall cease to apply where the youngest child of a person to whom this section applies attains the age of 14 years.".

(3) This section comes into operation on 4 July 2013.

Disqualification from receipt of benefit where identity not authenticated

11. The Principal Act is amended by inserting the following after section 247B (inserted by section 12 of the Social Welfare Act 2011):

"**Disqualification from receipt of benefit where identity not authenticated**

247C.(1) The Minister may give notice to any person receiving a benefit requesting the person, at the time specified in the notice, to satisfy the Minister as to his or her identity.

(2) A person shall be disqualified from receiving any benefit, including any increase in that benefit, for any week or part of a week, commencing after the time specified in the notice under subsection (1), or any time thereafter as may be determined by the Minister and notified to the person, during which that person fails to satisfy the Minister as to his or her identity.

(3) A notice under subsection (1) may require the person to whom it is given to do one or more than one of the following, as the Minister considers appropriate, at the time specified in the notice, or at any time thereafter as may be determined by the Minister and notified to the person:

(a) attend at an office of the Minister or such other place as the Minister may designate as appropriate;

(b) provide to the Minister, at that office or other designated place, such information and to produce any document to the Minister as the Minister may reasonably require for the purposes of authenticating the identity of that person;

(c) allow a photograph or other record of an image of that person to be taken, at that office or other designated place, in electronic form, for the purposes of the authentication, by the Minister, at any time, of the identity of that person;

(d) provide, at that office or other designated place, a sample of his or her signature in electronic form for the purposes of the authentication, by the Minister, at any time, of the identity of that person.

(4) The Minister shall retain in electronic form—

(a) any photograph or other record of an image of a person taken under subsection (3)(c), and

(b) any signature provided under subsection (3)(d),

in such manner that allows such photograph, other record or signature to be reproduced by electronic means.

(5) This section shall not be construed as preventing the Minister from using a method of authentication of the identity of a person in receipt of benefit, other than a method referred to in this section, which the Minister considers appropriate to use.".

Jobseeker's benefit — refusal or failure to engage with activation measures

12. (1) Section 62(5) of the Principal Act is amended in paragraph (a) (amended by section 5 of the Social Welfare and Pensions Act 2009)—

(a) in subparagraph (ii) by substituting "available for employment, and" for "available for employment,",

(b) in subparagraph (iii) by substituting "family circumstances," for "family circumstances, and", and

(c) by deleting subparagraph (iv).

(2) The Principal Act is amended by substituting the following sections for section 62A (inserted by section 7 of the Social Welfare Act 2010):

"**Refusal or failure to attend activation meetings relating to jobseeker's benefit**

62A. (1) Notice may be given by or on behalf of the Minister to any person receiving jobseeker's benefit requesting the person, at the time specified in the notice, to comply with the requirement specified in paragraph (a) or (b) of subsection (3).

(2) Where a person refuses or fails, without good cause, to comply with the requirement specified in the notice under subsection (1) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, the weekly rate of jobseeker's benefit payable to that person in respect of any such period of refusal or failure shall, subject to this section, be as set out in section 65(2) or, as the case may be, paragraph (a), (b) or (c) of section 65A(2).

(3) A notice under this section may require the person to whom it is given to do one of the following, at the time specified in the notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person—

(a) attend at a meeting arranged by or on behalf of the Minister for the purpose of providing information to that person which is intended to improve his or her knowledge of the employment, work experience, education, training and development opportunities available to that person, or

(b) attend for or submit to an assessment of that person's education, training or development needs.

(4) Where jobseeker's benefit is paid to a person at the weekly rate set out in section 65(2) or, as the case may be, paragraph (a), (b) or (c) of section 65A(2) on account of a refusal or failure to comply with the requirement specified in the notice under subsection (1) for a period of not less than 21 days, notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with that requirement.

(5) Where a person refuses or fails, without good cause, to comply with the requirement specified in the notice under subsection (4) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, that person shall be disqualified for receiving jobseeker's benefit for any period of continued refusal or failure commencing on the date specified in the notice under subsection (4), but such period of disqualification shall, subject to subsection (6), not exceed 9 weeks.

(6) Nothing in this section shall prevent the provisions of subsections (1) to (5) being applied to a person where, on or after the expiration of such period of disqualification as is applied in accordance with subsection (5)—

(a) notice has been given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement referred to in subsection (1), and

(b) that person continues, without good cause, to refuse or fail to comply with that requirement.

(7) Where, on the commencement of *section 12* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013, jobseeker's benefit is being paid to a person at the weekly rate set out in section 65(2) or, as the case may be, paragraph (a), (b) or (c) of section 65A(2) for a period of not less than 21 days—

(a) a notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement specified in paragraph (a) or (b) of subsection (3), and

(b) subsections (4) to (6) shall apply to that person where he or she refuses or fails, without good cause, to comply with that requirement at or after the time specified in the notice under paragraph (a), or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person.

Refusal or failure to participate in prescribed schemes, programmes or courses relating to jobseeker's benefit

62B. (1) Where—

(a) as a consequence of attendance for or submission to an assessment in accordance with section 62A(3)(b), a request is made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in—

(i) any scheme or programme of employment or work experience, or

(ii) a course of education, training or development,

which is prescribed for the purposes of this section and which is considered appropriate having regard to the education, training and development needs of that person and his or her personal circumstances, and

(b) that person refuses or fails, without good cause, to participate in, agree to participate in or avail himself or herself of an opportunity of participating in such a scheme, programme or course, as the case may be,

the weekly rate of jobseeker's benefit payable to that person in respect of any such period of refusal or failure shall, subject to this section, be as set out in section 65(2) or, as the case may be, paragraph (a), (b) or (c) of section 65A(2).

(2) Where jobseeker's benefit is paid to a person at the weekly rate set out in section 65(2) or, as the case may be, paragraph (a), (b) or (c) of section 65A(2) on account of a refusal or failure referred to in subsection (1)—

(a) notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to attend for or submit to an assessment of that person's education, training or development needs, or

(b) a request may be made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in—

(i) any scheme or programme of employment or work experience, or

(ii) a course of education, training or development,

which is prescribed for the purposes of this section and which is considered appropriate having regard to the education, training and development needs of that person and his or her personal circumstances.

(3) Where a person refuses or fails, without good cause, to—

(a) comply with the requirement specified in the notice under subsection (2)(a) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, or

(b) participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b),

that person shall be disqualified for receiving jobseeker's benefit for any period of such refusal or failure commencing on—

(i) the date specified in the notice under subsection (2)(a), or

(ii) the date of refusal or failure to participate in, to agree to participate in or to avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b),

as the case may be, but such period of disqualification shall, subject to subsection (4), not exceed 9 weeks.

(4) Nothing in this section shall prevent the provisions of subsections (1) to (3) being applied to a person where, on or after the expiration of such period of disqualification as is applied in accordance with subsection (3)—

(a) notice has been given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement referred to in subsection (2)(a), or

(b) a request has been made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b),

as the case may be, and that person continues, without good cause, to refuse or fail to—

(i) comply with the requirement specified in the notice under paragraph (a) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, or

(ii) participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in paragraph (b).

Giving of notice under section 62A or 62B

62C. A notice under section 62A or 62B shall be given in writing and may be given in such other form as may be considered appropriate, including electronic form.".

(3) Section 65(2) (inserted by section 7 of the Social Welfare Act 2010) of the Principal Act is amended by substituting "subsection (2) or (6) of section 62A or subsection (1) or (4) of section 62B" for "section 62A".

(4) Section 65A(2) (inserted by section 7 of the Social Welfare Act 2010) of the Principal Act is amended by substituting "subsection (2) or (6) of section 62A or subsection (1) or (4) of section 62B" for "section 62A".

(5) Section 68 (amended by section 7 of the Social Welfare Act 2010) of the Principal Act is amended—

(a) in subsection (6) by inserting the following paragraph after paragraph (a):

"(b) has refused an offer of suitable employment,",

and

(b) by deleting subsection (6A).

Jobseeker's allowance — refusal or failure to engage with activation measures

13. (1) Section 141(4) (amended by section 6 of the Social Welfare and Pensions Act 2009) of the Principal Act is amended—

(a) by substituting the following for paragraph (b):

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

(b) in paragraph (c) by substituting "family circumstances." for "family circumstances, and", and

(c) by deleting paragraph (d).

(2) The Principal Act is amended by substituting the following sections for section 141A (inserted by section 8 of the Social Welfare Act 2010):

"**Refusal or failure to attend activation meetings relating to jobseeker's allowance**

141A.(1) Notice may be given by or on behalf of the Minister to any person receiving jobseeker's allowance requesting the person, at the time specified in the notice, to comply with the requirement specified in paragraph (a) or (b) of subsection (3).

(2) Where a person refuses or fails, without good cause, to comply with the requirement specified in the notice under subsection (1) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, the weekly rate of jobseeker's allowance payable to that person in respect of any such period of refusal or failure shall, subject to this section, be as set out in section 142(1A), 142A(1A) or, as the case may be, section 142B(1A).

(3) A notice under this section may require the person to whom it is given to do one of the following, at the time specified in the notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person—

(a) attend at a meeting arranged by or on behalf of the Minister for the purpose of providing information to that person which is intended to improve his or her knowledge of the employment, work experience, education, training and development opportunities available to that person, or

(b) attend for or submit to an assessment of that person's education, training or development needs.

(4) Where jobseeker's allowance is paid to a person at the weekly rate set out in section 142(1A), 142A(1A) or, as the case may be, section 142B(1A) on account of a refusal or failure to comply with the requirement specified in the notice under subsection (1) for a period of not less than 21 days, notice may be given by or on behalf of the Minister to that person

requesting him or her, at the time specified in the notice, to comply with that requirement.

(5) Where a person refuses or fails, without good cause, to comply with the requirement specified in the notice under subsection (4) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, that person shall be disqualified for receiving jobseeker's allowance for any period of continued refusal or failure commencing on the date specified in the notice under subsection (4), but such period of disqualification shall, subject to subsection (6), not exceed 9 weeks.

(6) Nothing in this section shall prevent the provisions of subsections (1) to (5) being applied to a person where, on or after the expiration of such period of disqualification as is applied in accordance with subsection (5)—

(a) notice has been given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement referred to in subsection (1), and

(b) that person continues, without good cause, to refuse or fail to comply with that requirement.

(7) Where, on the commencement of *section 13* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013, jobseeker's allowance is being paid to a person at the weekly rate set out in section 142(1A), 142A(1A) or, as the case may be, section 142B(1A) for a period of not less than 21 days—

(a) a notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement specified in paragraph (a) or (b) of subsection (3), and

(b) subsections (4) to (6) shall apply to that person where he or she refuses or fails, without good cause, to comply with that requirement at or after the time specified in the notice under paragraph (a) of this subsection, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person.

Refusal or failure to participate in prescribed schemes, programmes or courses relating to jobseeker's allowance

141B.(1) Where—

(a) as a consequence of attendance for or submission to an assessment in accordance with section 141A(3)(b), a request is made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in—

(i) any scheme or programme of employment or work experience, or

(ii) a course of education, training or development,

which is prescribed for the purposes of this section and which is considered appropriate having regard to the education, training and development needs of that person and his or her personal circumstances, and

(b) that person refuses or fails, without good cause, to participate in, agree to participate in or avail himself or herself of an opportunity of participating in such a scheme, programme or course, as the case may be,

the weekly rate of jobseeker's allowance payable to that person in respect of any such period of refusal or failure shall, subject to this section, be as set out in section 142(1A), 142A(1A) or, as the case may be, section 142B(1A).

(2) Where jobseeker's allowance is paid to a person at the weekly rate set out in section 142(1A), 142A(1A) or, as the case may be, section 142B(1A) on account of a refusal or failure referred to in subsection (1)—

(a) notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to attend for or submit to an assessment of that person's education, training or development needs, or

(b) a request may be made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in—

(i) any scheme or programme of employment or work experience, or

(ii) a course of education, training or development,

which is prescribed for the purposes of this section and which is considered appropriate having regard to the education, training and development needs of that person and his or her personal circumstances.

(3) Where a person refuses or fails, without good cause, to—

(a) comply with the requirement specified in the notice under subsection (2)(a) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, or

(b) participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b),

that person shall be disqualified for receiving jobseeker's allowance for any period of such refusal or failure commencing on—

(i) the date specified in the notice under subsection (2)(a), or

(ii) the date of refusal or failure to participate in, to agree to participate in or to avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b),

as the case may be, but such period of disqualification shall, subject to subsection (4), not exceed 9 weeks.

(4) Nothing in this section shall prevent the provisions of subsections (1) to (3) being applied to a person where, on or after the expiration of such period of disqualification as is applied in accordance with subsection (3)—

(a) notice has been given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement referred to in subsection (2)(a), or

(b) a request has been made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b),

as the case may be, and that person continues, without good cause, to refuse or fail to—

(i) comply with the requirement specified in the notice under paragraph (a) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, or

(ii) participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in paragraph (b).

Giving of notice under section 141A or 141B

141C. A notice under section 141A or 141B shall be given in writing and may be given in such other form as may be considered appropriate, including electronic form.".

(3) Section 142(1A) (inserted by section 8 of the Social Welfare Act 2010) of the Principal Act is amended by substituting "subsection (2) or (6) of section 141A or subsection (1) or (4) of section 141B" for "section 141A".

(4) Section 142A(1A) (inserted by section 8 of the Social Welfare Act 2010) of the Principal Act is amended by substituting "subsection (2) or (6) of section 141A or subsection (1) or (4) of section 141B" for "section 141A".

(5) Section 142B(1A) (inserted by section 8 of the Social Welfare Act 2010) of the Principal Act is amended by substituting "subsection (2) or (6) of section 141A or subsection (1) or (4) of section 141B" for "section 141A".

(6) Section 147 (amended by section 8 of the Social Welfare Act 2010) of the Principal Act is amended—

(a) in subsection (4) by inserting the following paragraph after paragraph (a):

"(b) has refused an offer of suitable employment,",

and

(b) by deleting subsection (4A).

Supplementary welfare allowance — refusal or failure to engage with activation measures

14. (1) The Principal Act is amended by substituting the following sections for section 195A (inserted by section 9 of the Social Welfare Act 2010):

"**Refusal or failure to attend activation meetings relating to supplementary welfare allowance**

195A.(1) Notice may be given by or on behalf of the Minister to any person receiving supplementary welfare allowance requesting the person, at the time specified in the notice, to comply with the requirement specified in paragraph (a) or (b) of subsection (3).

(2) Where a person refuses or fails, without good cause, to comply with the requirement specified in the notice under subsection (1) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, the weekly rate of supplementary welfare allowance payable to that person in respect of any such period of refusal or failure shall, subject to this section, be as set out in subsection (1A), (2A) or, as the case may be, (4A) of section 197.

(3) A notice under this section may require the person to whom it is given to do one of the following, at the time specified in the notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person—

(a) attend at a meeting arranged by or on behalf of the Minister for the purpose of providing information to that person which is intended to improve his or her knowledge of the employment, work experience, education, training and development opportunities available to that person, or

(b) attend for or submit to an assessment of that person's education, training or development needs.

(4) Where supplementary welfare allowance is paid to a person at the weekly rate set out in subsection (1A), (2A) or, as the case may be, (4A) of section 197 on account of a refusal or failure to comply with the requirement specified in the notice under subsection (1) for a period of not less than 21 days, notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with that requirement.

(5) Where a person refuses or fails, without good cause, to comply with the requirement specified in the notice under subsection (4) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, that person may, subject to subsection (6), be disqualified for receiving the weekly amount of supplementary welfare allowance as provided for in sections 196 and 197 for any period of continued refusal or failure commencing on the date specified in the notice under subsection (4), but such period of disqualification shall, subject to subsection (7), not exceed 9 weeks.

(6) Where the weekly amount of supplementary welfare allowance payable to a person to whom subsection (5) applies includes an increase in respect of—

(a) a qualified adult in accordance with section 197(1)(a), or

(b) a qualified child in accordance with section 197(1)(b),

the disqualification provided for in subsection (5) shall not apply in respect of the receipt of such increase of supplementary welfare allowance.

(7) Nothing in this section shall prevent the provisions of subsections (1) to (6) being applied to a person where, on or after the expiration of such period of disqualification as is applied in accordance with subsection (5)—

(a) notice has been given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement referred to in subsection (1), and

(b) that person continues, without good cause, to refuse or fail to comply with that requirement.

(8) Where, on the commencement of *section 14* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013, supplementary welfare allowance is being paid to a person at the weekly rate set out in subsection (1A), (2A) or, as the case may be, (4A) of section 197 for a period of not less than 21 days—

(a) a notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement specified in paragraph (a) or (b) of subsection (3), and

(b) subsections (4) to (7) shall apply to that person where he or she refuses or fails, without good cause, to comply with that requirement at or after the time specified in the notice under paragraph (a), or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person.

Refusal or failure to participate in prescribed schemes, programmes or courses relating to supplementary welfare allowance

195B.(1) Where—

(a) as a consequence of attendance for or submission to an assessment in accordance with section 195A(3)(b), a request is made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in—

(i) any scheme or programme of employment or work experience, or

(ii) a course of education, training or development,

which is prescribed for the purposes of this section and which is considered appropriate having regard to the education, training and development needs of that person and his or her personal circumstances, and

(b) that person refuses or fails, without good cause, to participate in, agree to participate in or avail himself or herself of an opportunity of participating in such a scheme, programme or course, as the case may be,

the weekly rate of supplementary welfare allowance payable to that person in respect of any such period of refusal or failure shall, subject to this section, be as set out in subsection (1A), (2A) or, as the case may be, (4A) of section 197.

(2) Where supplementary welfare allowance is paid to a person at the weekly rate set out in subsection (1A), (2A) or, as the case may be, (4A) of section 197 on account of a refusal or failure referred to in subsection (1)—

(a) notice may be given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to attend for or submit to an assessment of that person's education, training or development needs, or

(b) a request may be made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in—

(i) any scheme or programme of employment or work experience, or

(ii) a course of education, training or development,

which is prescribed for the purposes of this section and which is considered appropriate having regard to the education, training and development needs of that person and his or her personal circumstances.

(3) Where a person refuses or fails, without good cause, to—

(a) comply with the requirement specified in the notice under subsection (2)(a) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, or

(b) participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b),

that person may, subject to subsection (4), be disqualified for receiving the weekly amount of supplementary welfare allowance as provided for in sections 196 and 197 for any period of such refusal or failure commencing on—

(i) the date specified in the notice under subsection (2)(a), or

(ii) the date of refusal or failure to participate in, to agree to participate in or to avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b),

as the case may be, but such period of disqualification shall, subject to subsection (5), not exceed 9 weeks.

(4) Where the weekly amount of supplementary welfare allowance payable to a person to whom subsection (3) applies includes an increase in respect of—

(a) a qualified adult in accordance with section 197(1)(a), or

(b) a qualified child in accordance with section 197(1)(b),

the disqualification provided for in subsection (3) shall not apply in respect of the receipt of such increase of supplementary welfare allowance.

(5) Nothing in this section shall prevent the provisions of subsections (1) to (4) being applied to a person where, on or after the expiration of such period of disqualification as is applied in accordance with subsection (3)—

(a) notice has been given by or on behalf of the Minister to that person requesting him or her, at the time specified in the notice, to comply with the requirement referred to in subsection (2)(a), or

(b) a request has been made by or on behalf of the Minister to that person to participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in subsection (2)(b),

as the case may be, and that person continues, without good cause, to refuse or fail to—

(i) comply with the requirement specified in the notice under paragraph (a) at the time specified in that notice, or at any time thereafter as may be determined by or on behalf of the Minister and notified to the person, or

(ii) participate in, agree to participate in or avail himself or herself of an opportunity of participating in any scheme, programme or course referred to in paragraph (b).

Giving of notice under section 195A or 195B

195C. A notice under section 195A or 195B shall be given in writing and may be given in such other form as may be considered appropriate, including electronic form.".

(2) Section 196(1) (amended by section 13 of the Social Welfare Act 2012) of the Principal Act is amended by substituting "sections 195A, 195B, 341(7) and 341(7C)," for "section 341(7), section 341(7C) and section 195A".

(3) Section 197 (amended by section 9 of the Social Welfare Act 2010) of the Principal Act is amended—

(a) in subsection (1A), by substituting "subsection (2) or (7) of section 195A or subsection (1) or (5) of section 195B" for "section 195A",

(b) in subsection (2A), by substituting "subsection (2) or (7) of section 195A or subsection (1) or (5) of section 195B" for "section 195A", and

(c) in subsection (4A), by substituting "subsection (2) or (7) of section 195A or subsection (1) or (5) of section 195B" for "section 195A".

Attachment — insertion of Part 11A of Principal Act

15. The Principal Act is amended by inserting the following Part after Part 11:

"Part 11A

Attachment

Interpretation

343A. In this Part—

'additional debt' in relation to a relevant person who has received a notice of attachment in respect of an overpaid person, means any amount which, at any time after the time of the receipt by the relevant person of the notice of attachment but before the end of the relevant period in relation to the notice, would be a debt due by the relevant person to the overpaid person if a notice of attachment were received by the relevant person at that time;

'debt' in relation to a notice of attachment given to a relevant person in respect of an overpaid person and in relation to that relevant person and overpaid person, means the amount of any money which, at the time the notice of attachment is received by the relevant person, is due by the relevant person (whether on that person's own account or as an agent or trustee) to the overpaid person, irrespective of whether the overpaid person has applied for the payment (to the overpaid person or any other person) or for the withdrawal of all or part of the money;

'deposit' means an amount of money paid to a financial institution on terms under which it will be repaid with or without interest and either on demand or at a time or in circumstances agreed by or on behalf of the person making the payment and the financial institution to which it is made;

'emoluments' has the same meaning as section 983 of the Act of 1997;

'financial institution' has the same meaning as section 250A and includes a branch of a financial institution which records deposits in its books as liabilities of the branch;

'notice of attachment' means a notice under section 343H;

'notice of revocation' means a notice under section 343I;

'overpaid person' shall be construed in accordance with section 343B;

'relevant amount' shall be construed in accordance with section 343B;

'relevant period' in relation to a notice of attachment, means, as respects the relevant person to whom the notice of attachment is given, the period commencing at the time at which the notice is received by the relevant person and ending on the earliest of—

(a) the date on which the relevant person completes the payment to the Minister out of the debt, or the aggregate of the debt and any additional debt, due by the relevant person to the overpaid person named in the notice, of an amount equal to the relevant amount in relation to the overpaid person,

(b) the date on which the relevant person receives a notice of revocation of the notice of attachment, and

(c) where the relevant person or the overpaid person named in the notice—

(i) is declared bankrupt, the date on which the relevant person or the overpaid person is so declared, or

(ii) is a company which commences to be wound up, the relevant date within the meaning of section 285 of the Companies Act 1963, in relation to the winding up;

'relevant person' in relation to an overpaid person, means a person in respect of whom the Minister has reason to believe may have, at the time a notice of attachment is received by such person in respect of an overpaid person, a debt due to the overpaid person.

Person to whom notice of attachment may be given

343B.(1) For the purposes of this Part, a person who is liable under section 335, 336, 337 or 338 to pay to the Social Insurance Fund or the Minister, on demand, a sum referred to in one or more than one of those sections shall be referred to as the 'overpaid person' and the sum which the overpaid person is so liable to pay shall be referred to as the 'relevant amount'.

(2) Notwithstanding that the Minister may recover the relevant amount by other methods, subject to this Part, the Minister may give a notice of attachment to an overpaid person—

(a) who fails to—

(i) repay the relevant amount, and

(ii) respond, to the satisfaction of the Minister, to a notice under section 343D(1),

and

(b) to whom the Minister has given a notice under section 343D(3).

Circumstances of overpaid person

343C. Prior to giving a notice under section 343D(1), the Minister, in determining the circumstances of the overpaid person shall take into account the following matters:

(a) his or her personal and family circumstances;

(b) any statutory deductions that may affect his or her earnings or income;

(c) the amount of the overpayment;

(d) the period of time for which the overpayment is outstanding;

(e) the amount of net income or earnings of the overpaid person;

(f) the employment circumstances of the overpaid person;

(g) the amount of debt due to the overpaid person.

Proposal to give a notice of attachment

343D.(1) Before giving a notice of attachment to an overpaid person, the Minister shall give notice in writing to the overpaid person—

(a) requesting him or her to make arrangements to repay the relevant amount,

(b) requesting him or her to respond furnishing any representations that he or she wishes to make in relation to the matter for consideration by the Minister, and

(c) stating that if the overpaid person fails to make arrangements to repay or respond to the satisfaction of the Minister within 14 days of the date of the notice under this subsection, the Minister intends to proceed with a notice of attachment relating to the overpaid person.

(2) The Minister shall give due consideration to any response received from the overpaid person under subsection (1) before he or she decides to give a notice under subsection (3).

(3) Having considered any response under subsection (2) the Minister shall give a notice in writing to the overpaid person (whether or not the document containing the notice also contains other information being communicated by the Minister to the overpaid person), not later than 28 days before the receipt by the relevant person or relevant persons concerned of a notice of attachment, stating that if the relevant amount is not paid it may be specified in a notice of attachment or notices of attachment and recovered under this Part from a relevant person or relevant persons in relation to the overpaid person.

Attachment of earnings

343E. (1) A notice of attachment may relate to any amount of money due by the relevant person to the overpaid person as emoluments under a contract of service.

(2) A notice of attachment referred to in subsection (1) may provide, as the Minister considers appropriate, for the payment by the relevant person of an amount out of the emoluments, over a period specified in the notice, by the periodical deductions of such amounts as are specified in the notice.

(3) The Minister, in determining the rate of periodical deductions under subsection (2), and in addition to considering the matters under section 343C shall not—

(a) without the prior written agreement of the overpaid person, determine a rate that exceeds 15 per cent of the net weekly emoluments to which the person concerned is or becomes entitled, or

(b) determine a rate that exceeds an amount that will cause the overpaid person to become entitled to claim for supplementary welfare allowance under section 196.

(4) Where the Minister gives a notice of attachment referred to in subsection (1) to a relevant person—

(a) the relevant person shall not be liable for failure to comply with it before 10 days have elapsed since the giving of the notice,

(b) if the overpaid person to whom it refers is not in the employment of the relevant person or ceases to be in the employment of the relevant person after it is given, that relevant person shall (in either case) within 10 days from the date of receipt of the notice, make a return of that fact to the Minister, and

(c) on any occasion when a relevant person makes, in compliance with a notice of attachment, a deduction from an overpaid person's earnings, the relevant person shall give, in such manner and form as directed in the notice of attachment, to the overpaid person a written statement of the total amount of the deduction.

(5) Where the Minister gives a notice of attachment referred to in subsection (1)—

(a) the overpaid person shall—

(i) notify the Minister in writing of every occasion on which he or she leaves any employment, or becomes employed or re-employed, not later (in each case) than 10 days from the date on which he or she does so, and

(ii) include in the notice referred to in subparagraph (i) particulars of his or her earnings and expected earnings from the relevant employment,

and

(b) any relevant person who is an employer of the overpaid person and knows that the notice of attachment has been given, within 10 days of the occurrence of a matter referred to in paragraph (a) and in such manner and form as directed in the notice of attachment, shall notify the Minister in writing of any change in earnings paid to the overpaid person.

Attachment of money in financial institution

343F.(1) For the purposes of a notice of attachment, where a relevant person is a financial institution, any amount of money, including interest on that money, which at the time the notice of attachment is received by the relevant person is a deposit held by the relevant person—

(a) to the credit of the overpaid person for the overpaid person's sole benefit, or

(b) to the credit of the overpaid person and any other person or persons for their joint benefit,

shall be regarded as a debt due by the relevant person to the overpaid person at that time.

(2) Subject to subsection (3), where subsection (1) applies, a deposit held by a relevant person which is a financial institution to the credit of the overpaid person and any other person or persons (in this subsection referred to as the 'other party or parties') for their joint benefit shall be deemed to be held for the benefit of the overpaid person and the other party or parties to the deposit equally, and accordingly only the portion of the deposit so deemed shall be regarded as a debt due by the relevant person to the overpaid person.

(3) Where evidence of the amount of the deposit referred to in subsection (2) that is held to the benefit of the overpaid person is produced to the satisfaction of the relevant person within 10 days of the giving of the notice under section 343H(5), only so much of the deposit as is shown to be held to the benefit of the overpaid person shall be regarded as a debt due by the relevant person to the overpaid person at that time.

(4) Where a notice of attachment is given to a relevant person which is a financial institution, the Minister, in addition to considering the matters under section 343C, shall not specify an amount in the notice that exceeds an amount that will cause the overpaid person to become entitled to claim for supplementary welfare allowance under section 196.

(5) Where, under section 343H any amount is paid to the Minister by a relevant person which is a financial institution in accordance with a notice of attachment, that relevant person, within 10 days and in such manner and form as directed in the notice of attachment, shall give the overpaid person concerned a notice in writing informing him or her of the payment and its amount.

Dispute

343G. Where there is a dispute as to an amount of money which is due by the relevant person to the overpaid person, the amount in dispute shall be disregarded by the relevant person for the purposes of determining the amount of the debt and specifying the debt in the reply delivered to the Minister under section 343H(1)(c)(i).

Notice of attachment

343H.(1) Where an overpaid person fails to repay the relevant amount, the Minister may give to a relevant person, in relation to the overpaid person, a notice in writing (in this section referred to as the 'notice of attachment') in which is entered—

(a) the overpaid person's name and address,

(b) the relevant amount, or, in a case where a notice of attachment is given to more than one relevant person in respect of an overpaid person, a portion of the relevant amount as determined appropriate by the Minister, and

(c) a direction to the relevant person—

(i) subject to subsections (2) and (3), to deliver to the Minister, within the period of 10 days from the date on which the notice of attachment is received by the relevant person, a reply in writing specifying whether or not any debt is due by the relevant person to the overpaid person on the date that the notice is received by the relevant person and, if any debt is so due, specifying the amount of the debt, and

(ii) if the amount of any debt is so specified, to pay to the Minister within the period referred to in subparagraph (i), an amount equal to the amount of the debt so specified.

(2) Where the amount of the debt due by the relevant person to the overpaid person is equal to or greater than the relevant amount, the amount of the debt specified in the reply shall be an amount equal to the relevant amount.

(3) A relevant person to whom a notice of attachment has been given shall comply with the direction in the notice.

(4) Where the relevant person is a financial institution and the debt due by the relevant person to the overpaid person is part of a deposit held to the credit of the overpaid person and any other person or persons for their joint benefit, a reply shall be made within a period of 10 days from—

(a) the expiry of the period specified in the notice to be given under subsection (5), or

(b) the production of the evidence referred to in subsection (5)(ii).

(5) Where a relevant person which is a financial institution is given a notice of attachment and the debt due by the relevant person to the overpaid person is part of a deposit held by the relevant person to the credit of the overpaid person and any other person or persons (in this subsection referred to as the 'other party or parties') for their joint benefit, the relevant person shall on receipt of the notice of attachment give to the overpaid person and the other party or parties to the deposit a notice in writing in which is entered—

(a) the overpaid person's name and address,

(b) the name and address of the other party or parties to whom a notice under this paragraph is given,

(c) the name and address of the relevant person, and

(d) the specified relevant amount,

and which states that—

(i) a notice of attachment under this section has been received in respect of the overpaid person,

(ii) under section 343F(2) a deposit is deemed, subject to section 343F(3), to be held to the benefit of the overpaid person and the other party or parties to the deposit equally, and

(iii) unless such evidence, referred to in section 343F(3) is produced within 10 days of the giving of the notice under this subsection—

(I) an amount equal to the amount of the deposit so deemed to be held to the benefit of the overpaid person (and accordingly regarded as a debt due to the overpaid person by the relevant person) shall be paid to the Minister, where that amount is equal to or less than the relevant amount, and

(II) where the amount of the deposit so deemed to be held to the benefit of the overpaid person (and accordingly regarded as a debt due to the overpaid person by the relevant person) is greater than the relevant amount an amount equal to the relevant amount shall be paid to the Minister.

(6) If, when a relevant person receives a notice of attachment, the amount of the debt due by the relevant person to the overpaid person named in the notice is less than the relevant amount in relation to the overpaid person or no debt is so due and, at any time after the receipt of the notice and before the end of the relevant period in relation to the notice, an additional debt becomes due by the relevant person to the overpaid person, the relevant person shall within 10 days of that time—

(a) if the aggregate of the amount of any debt so due and the additional debt so due is equal to or less than the relevant amount in relation to the overpaid person—

(i) send a further statement to the Minister specifying the additional debt, and

(ii) pay to the Minister the amount of the additional debt,

and so on for each subsequent occasion during the relevant period in relation to the notice of attachment on which an additional debt becomes due by the relevant person to the overpaid person until—

(I) the aggregate amount of the debt and the additional debt or debts so due equals the relevant amount in relation to the overpaid person, or

(II) paragraph (b) applies in relation to an additional debt,

and

(b) if the aggregate amount of any debt and the additional debt or debts so due to the overpaid person is greater than the relevant amount in relation to the overpaid person—

(i) send a further statement to the Minister specifying such portion of the latest additional debt as when added to the aggregate of the debt and any earlier additional debts is equal to the relevant amount in relation to the overpaid person, and

(ii) pay to the Minister that portion of the additional debt.

(7) Where a notice of attachment has been given to a relevant person in respect of an overpaid person, the relevant person shall not, during the relevant period in relation to the notice, make any disbursements out of the debt, or out of any additional debt, due by the relevant person to the overpaid person except to the extent that any such disbursement—

(a) will not reduce the debt or the aggregate of the debt and any additional debt so due to an amount that is less than the relevant amount specified in the notice of attachment concerned, or

(b) is made pursuant to an order of a court.

(8) For the purposes of this section, a disbursement made by a relevant person contrary to subsection (7) shall be deemed not to reduce the amount of the debt or any additional debts due by the relevant person to the overpaid person.

(9) Any reply, notice, statement or further statement required to be given by the relevant person to the Minister or the overpaid person under this section shall be in such manner and form as directed in the notice of attachment.

(10) A reference to the relevant amount in this section shall, as appropriate, be construed as including a reference to the relevant amount or the portion of the relevant amount, as the case may be, specified in a notice of attachment.

Revocation of notice of attachment

343I. A notice of attachment given to a relevant person in respect of an overpaid person may be revoked by the Minister at any time by notice in writing given to the relevant person and shall be revoked within 10 days if the overpaid person has paid the relevant amount to the Minister.

Supplemental matters relating to notices of attachment

343J.(1) Where in pursuance of this Part a relevant person pays any amount to the Minister under a notice of attachment out of a debt or an additional debt due by the relevant person to the overpaid person and, at the time of the receipt by the Minister of that amount, the overpaid person has paid to the Minister the amount or aggregate amount of the overpayments, in respect of which the overpaid person is in default at the time of the giving of the notice or notices of attachment, the first-mentioned amount shall be refunded by the Minister within 10 days to the overpaid person.

(2) On the receipt by the Minister of an amount paid under section 343H in accordance with a notice of attachment, the Minister shall within 10 days notify the overpaid person and the relevant person in writing of such receipt.

(3) Where, under section 343H and in accordance with a notice of attachment, a relevant person pays to the Minister the whole or part of the amount of a debt or an additional debt due by the relevant person to an overpaid person, or any part of such an amount, the overpaid person shall allow such payment and the relevant person shall be acquitted and discharged of the amount of the payment as if it had been paid to the overpaid person.

(4) Where under section 343H a relevant person is prohibited from making any disbursement out of a debt or an additional debt due to an overpaid person, no action shall lie against the relevant person in any court by reason of a failure to make any such disbursement.

(5) Any obligation on the Minister to maintain secrecy or any other restriction on the disclosure of information by the Minister shall not apply in relation to information contained in a notice of attachment.

(6) A notice of attachment in respect of an overpaid person shall not be given to a relevant person at a time when—

(a) the relevant person concerned is an undischarged bankrupt or a company being wound up, or

(b) the overpaid person concerned is an undischarged bankrupt.

(7) The Minister may appoint one or more than one of his or her officers to perform any acts and discharge any functions to be performed or discharged by the Minister under this Part.

(8) Where a relevant person to whom a notice of attachment in respect of an overpaid person has been given—

(a) delivers a reply under subparagraph (i) of section 343H(1)(c) but fails to pay to the Minister, within the period referred to in that subparagraph, the amount specified in the reply or any part of that amount, or

(b) delivers a further statement under subsection (6) of section 343H but fails to pay to the Minister within the time specified in that subsection the amount specified in the further statement or any part of that amount,

the amount specified in the reply or further statement, or the part of that amount, as the case may be, which the relevant person has failed to pay to the Minister, may, if the notice of attachment has not been revoked by a notice of revocation, be sued for and recovered by action or other appropriate proceedings by the Minister in any court of competent jurisdiction.

Offences

343K. Where a relevant person fails to comply with a direction under subparagraph (i) or (ii) of section 343H(1)(c)—

(a) within the period specified in subparagraph (i) of section 343H(1)(c), or

(b) if subsection (3) of section 343H applies, within the period referred to in that subsection,

he or she is guilty of an offence.".

Excepted employments

16. (1) Part 2 of Schedule 1 to the Principal Act is amended by inserting the following after paragraph 6:

"7. Employment in the State in a company under a written or an oral contract of service, whether expressed or implied, where the employed person is—

(a) the beneficial owner of that company, or

(b) able to control 50 per cent or more of the ordinary share capital of that company, either directly or through the medium of other companies or by any indirect means.".

(2) Section 12 of the Principal Act is amended by inserting the following after subsection (4):

"(5) The insertion of paragraph 7 of Part 2 of Schedule 1 by *section 16* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 as it affects subsection (1), shall apply to employment that is performed—

(a) on the day of,

(b) after the day of, or

(c) subject to subsection (6), before the day of,

the commencement of that *section 16*.

(6) A person may elect not to have paragraph 7 of Part 2 of Schedule 1 (inserted by *section 16* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013) apply to his or her employment, referred to in that paragraph, where it is performed before the commencement of *section 16* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013.".

Amendment of Schedule 3 to Principal Act

17. Part 4 of Schedule 3 to the Principal Act is amended by substituting the following for Rule 2 (amended by section 16 of the Social Welfare and Pensions Act 2011):

"2. (1) Where Rule 1(2)(b)(v)(I) applies to a person, 'additional income' in relation to that person means an amount determined, subject to paragraph (2), by the formula—

(A+B) - C

where—

A is the sum of—

(i) any weekly income arising which that person receives from such employment or training or participation or placement in such scheme or programme as is prescribed,

(ii) any weekly income which that person receives by way of family income supplement under Part 6, and

(iii) in so far as it exceeds €4,952 per annum, the aggregate of—

(I) any maintenance payments made by a liable relative, and

(II) the net cash value of the non-cash benefits referred to in Rule 1A(1),

B is the amount of the assessable weekly means of the person from all other sources under Part 4 of Schedule 3, and

C is the weekly rate of supplementary welfare allowance set out in column (2) of Part 1 of Schedule 4, increased by—

(i) the amount set out in column (3) of that Part, where the person has a qualified adult, and

(ii) the amount set out in column (4) of that Part in respect of each qualified child of that person.

(2) The amount determined by the formula in paragraph (1) shall not exceed the sum represented by A in that formula.".

Annotations

Modifications (not altering text):

C1 Reference to "family income supplement" construed as "working family payment" (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8(2), commenced as per subs. (3).

Renaming of family income supplement

8. ...

(2) Any reference in any Act, or in any instrument made under any Act, passed or made before the commencement of this section to "family income supplement" shall be construed as a reference to "working family payment".

(3) This section comes into operation on 1 January 2018.

Amendment of Schedule 5 to Principal Act

18. Schedule 5 (amended by section 6 of the Social Welfare and Pensions Act 2012) to the Principal Act is amended—

(a) in paragraph 1(4) by inserting—

(i) "a payment service provider (within the meaning of section 122(1) of the Finance (Local Property Tax) Act 2012) in relation to the purpose specified in that section of that Act," after "a body established by the Minister for Education and Science under section 54 of the Education Act 1998,",

(ii) "Quality and Qualifications Ireland," after "National Educational Welfare Board,", and

(iii) "the Insolvency Service of Ireland," after "the General Medical Services (Payments) Board,",

and

(b) in paragraph 2—

(i) by substituting "the Dublin Institute of Technology." for "the Dublin Institute of Technology,", and

(ii) by deleting—

(I) "the Further Education and Training Awards Council,",

(II) "the Higher Education and Training Awards Council,", and

(III) "the National Qualifications Authority of Ireland.".

Miscellaneous amendments to Principal Act

19. The Principal Act is amended in the manner specified in the Schedule.

PART 3

Amendments to Civil Registration Act 2004

Functions that may be performed by Minister for Arts, Heritage and the Gaeltacht

20. Section 61 of the Civil Registration Act 2004 is amended by inserting the following after subsection (5):

"(6) (a) The Minister for Arts, Heritage and the Gaeltacht, in addition to an tArd-Chláraitheoir, a Superintendent Registrar, a registrar or an authorised officer, may perform functions referred to in subsection (1)(a).

(b) For the purposes of this subsection, section 67 shall be read as if, in subsection (1) of that section, there is a reference to the Minister for Arts, Heritage and the Gaeltacht, in so far as that Minister is performing functions under section 61(1)(a), and subject to any other necessary modifications.".

PART 4

Amendments to Pensions Act 1990

Definition

21. In this Part "Principal Act" means the Pensions Act 1990.

Amendment of section 2 of Principal Act

22. Section 2 of the Principal Act is amended in subsection (1)—

(a) in the definition of "employer", by substituting "except in sections 49 and 50B" for "except in section 49", and

(b) by inserting the following definition:

" 'Pensions Council' means the body established by section 26B;".

Amendment of section 3 of Principal Act

23. Section 3 of the Principal Act is amended in subsection (3A), by inserting "or subsection (3) or (4) of section 121" after "section 58A".

Amendment of section 3C of Principal Act

24. Section 3C of the Principal Act is amended in subsection (1), by inserting "or subsection (3) or (4) of section 121" after "section 58A".

Amendment of section 3D of Principal Act

25. Section 3D of the Principal Act is amended in subsection (1), by inserting "or subsection (3) or (4) of section 121" after "section 58A".

Change of name of Pensions Board and chief executive

26. The Principal Act is amended by inserting the following section after section 9:

"**Change of name of Pensions Board and chief executive**

9A. (1) The name of the Pensions Board is changed, and on and after the commencement of *section 26* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 it shall be known, in the English language, as the Pensions Authority or, in the Irish language, as An tÚdarás Pinsean.

(2) References in this Act or in any other enactment to the Pensions Board shall, on and after the commencement of *section 26* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013, be construed as references to the Pensions Authority.

(3) The position, heretofore known as the chief executive of the Pensions Board shall, on and after the commencement of *section 26* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013, be known as the Pensions Regulator.

(4) References in this Act or in any other enactment to the chief executive of the Pensions Board shall, on and after the commencement of *section 26* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013, be construed as references to the Pensions Regulator.

(5) In this section, 'enactment' has the same meaning as it has in the Interpretation Act 2005.".

Amendment of section 15 of Principal Act

27. Section 15 of the Principal Act is amended by inserting the following subsection after subsection (3):

"(3A) The Pensions Regulator shall be a member of the Pensions Council.".

Amendment of section 24 of Principal Act

28. Section 24 of the Principal Act is amended—

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

"(1A) A person shall not, without the consent of the Minister, disclose any information obtained by him or her while performing (or as a result of having performed) duties as a member of the Pensions Council.",

(b) in subsection (2), by inserting "or (1A)" after "subsection (1)", and

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

"(3A) Nothing in subsection (1A) shall prevent the disclosure of information in a report made to the Pensions Council or by or on behalf of the Pensions Council to the Minister.".

Pensions Council

29. The Principal Act is amended by inserting the following section after section 26A:

"**Pensions Council**

26B.(1) On the commencement of *section 29* of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 there shall stand established a body to be known, in the English language, as the Pensions Council or, in the Irish language, as An Chomhairle Pinsean to perform the functions assigned to it by this section.

(2) The functions of the Pensions Council shall be to advise the Minister, either on its own initiative or at the Minister's request, on matters relating to pensions generally.

(3) The Pensions Council shall consist of the following members—

(a) a chairperson, and

(b) not fewer than 8, and not more than 12, ordinary members.

(4) The members of the Pensions Council shall be appointed by the Minister in accordance with this section.

(5) The Minister shall designate one member of the Pensions Council as chairperson.

(6) An ordinary member of the Pensions Council shall hold office for such period, not exceeding 5 years from the date of his or her appointment, as the Minister shall determine.

(7) A member of the Pensions Council whose term of office expires by effluxion of time shall be eligible for reappointment to the Pensions Council.

(8) The ordinary members of the Pensions Council shall include—

(a) the Pensions Regulator,

(b) one member nominated by the Minister as a representative of the Department of Social Protection,

(c) one member nominated by the Minister for Finance as a representative of the Central Bank,

(d) one member nominated by the Minister for Public Expenditure and Reform as a representative of the Department of Public Expenditure and Reform, and

(e) not fewer than 4, and not more than 8, other members, each of whom the Minister considers to have the relevant skills, specialist knowledge, experience or expertise to enable him or her to carry out his or her functions under this Act.

(9) A member of the Pensions Council may resign from the Pensions Council by letter addressed to the Minister, and the resignation shall take effect on the date specified in the letter, or the date on which the Minister receives the letter, whichever is the later.

(10) A member of the Pensions Council may at any time be removed from membership of the Pensions Council by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Pensions Council of its functions.

(11) A member of the Pensions Council shall cease to be and shall be disqualified from being a member of the Pensions Council where such member—

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with creditors,

(c) on conviction on indictment by a court of competent jurisdiction is sentenced to a term of imprisonment, or

(d) is disqualified or restricted from being a director of any company (within the meaning of the Companies Acts).

(12) The Minister shall determine the procedures of the Pensions Council.".

Amendment of section 50 of Principal Act

30. Section 50 of the Principal Act is amended by inserting the following subsections after subsection (4):

"(5) The Minister may make regulations for the purposes of this section, and, without prejudice to the generality of the foregoing, the regulations may provide that where the Board proposes to make a direction under subsection (1) or (1A) other than on application by the trustees—

(a) the Board may by notice in writing require a specified person to furnish the Board with such information as may be prescribed within the period specified in the notice,

(b) the trustees of the scheme and the employer to whom the scheme relates shall make such notifications and provide such information, to such persons, and in such manner as may be prescribed,

(c) such persons as may be prescribed shall be afforded an opportunity to make submissions to the Board, in respect of the proposed direction, and

(d) the Board shall, prior to making a direction, consider any such submissions.

(6) An appeal to the High Court on a point of law from a direction of the Board under subsection (1) or (1A), made other than on application by the trustees, may be brought by such persons as may be prescribed not later than 21 days after the date of the direction.

(7) A direction of the Board under subsection (1) or (1A), made other than on application by the trustees, shall not take effect—

(a) during the period of 21 days after the date of direction, or

(b) if an appeal against the direction is brought during the period referred to in paragraph (a), before the date of the final determination of the appeal or any appeal from such determination or the withdrawal of either such appeal.

(8) Where the Board makes a direction under subsection (1) or (1A), other than on application by the trustees, the periods specified in subsection (3) shall be deemed to run from the date on which the direction takes effect.".

Direction by Board to trustees to wind up scheme

31. The Principal Act is amended by inserting the following section after section 50A:

"**Direction by Board to trustees to wind up scheme**

50B. (1) The Board may, subject to this section, by notice in writing direct the trustees of a relevant scheme (other than a regulatory own funds scheme) to wind up the scheme with effect from such date as is specified in the notice if—

(a) the trustees of the scheme fail to submit an actuarial funding certificate within the period specified in section 43,

(b) the actuarial funding certificate certifies that the scheme does not satisfy the funding standard and the trustees of the scheme have not submitted a funding proposal in accordance with section 49,

(c) the trustees of the scheme fail to submit a funding standard reserve certificate within the period specified in section 43,

(d) the funding standard reserve certificate certifies that the scheme does not satisfy the funding standard reserve and the trustees of the scheme have not submitted a funding proposal in accordance with section 49, or

(e) the trustees of the scheme have failed to comply with a direction under subsection (1) or (1A) of section 50 within the period specified in subsection (3)(a)(i) of that section.

(2) A direction under this section shall be in writing and may include directions to—

(a) the trustees of the scheme,

(b) any employer to whom the scheme relates, or

(c) the registered administrator of the scheme,

in respect of the manner, including the relevant time limits, within which the winding up is to proceed.

(3) A person shall comply with a direction given to him or her under this section.

(4) The winding up of a scheme pursuant to a direction under this section shall have the same effect as if it had been made under powers conferred by or under the rules of the scheme.

(5) A direction under this section may be made, and shall be complied with, notwithstanding any enactment or rule of law or any rule of the scheme or any agreement which would otherwise prevent the winding up or require the implementation of any procedure or the obtaining of any consent to effect the winding up of the scheme.

(6) The Minister may make regulations for the purposes of this section and, without prejudice to the foregoing, the regulations may provide that before the Board makes a direction under this section—

(a) the Board may by notice in writing require a specified person to furnish the Board with such information as may be prescribed within the period specified in the notice,

(b) the trustees of the scheme and the employer to whom the scheme relates shall make such notifications and provide such information to such persons, and in such manner as may be prescribed,

(c) such persons as may be prescribed shall be afforded an opportunity to make submissions to the Board in respect of the proposed direction, and

(d) prior to making a direction, the Board shall consider any such submissions.

(7) Where the Board makes a direction under this section in respect of a scheme, any direction made under subsection (1) or (1A) of section 50 and referred to in subsection (1)(e), in relation to the scheme shall cease to have effect from the date on which the direction under this section comes into effect.

(8) The cessation of a direction made under subsection (1) or (1A) of section 50, pursuant to subsection (7), shall not prejudice the initiation of a prosecution of any person for having failed to comply with that direction or any other requirement of that section, prior to the date of the direction under this section.

(9) The Board shall, not later than 21 days after the date on which it makes a direction under this section, publish a notice in a daily newspaper circulating in the State, setting out particulars of the direction.

(10) An appeal to the High Court on a point of law from a direction under this section may be brought not later than 21 days after the date of publication of the notice under subsection (9) by such person as may be prescribed.

(11) A direction under this section shall not come into effect—

(a) during the period of 21 days after the date of publication of the notice under subsection (9), or

(b) if an appeal against the direction is brought during the period referred to in paragraph (a), before the date of the final determination of the appeal or any appeal from such determination or the withdrawal of either such appeal.

(12) In this section, 'employer' in relation to a scheme means the current or former employer of any person in respect of whom benefits are or have been payable under the scheme.".

Application to High Court

32. The Principal Act is amended by inserting the following section after section 50B:

"**Application to High Court**

50C. (1) If the Board is of the opinion that a person has not complied with or is not complying with—

(a) a direction under subsection (1) or (1A) of section 50,

(b) a direction under section 50B, or

(c) a requirement under subsection (3) of section 50,

the Board may apply to the High Court for an order compelling the person to comply with the direction or requirement concerned.

(2) Where, following an application by the Board under subsection (1), the High Court is satisfied that it is appropriate to do so, the Court may make an order compelling the person to comply with the direction or requirement concerned.

(3) Where the High Court makes an order under subsection (2), it may, for the purpose of giving full effect to the order, include such conditions in the order and make such ancillary or other orders as it deems fit.".

Amendment of section 129 of Principal Act

33. F1**[**...**]**

Annotations

Amendments:

F1 Repealed (1.01.2018) by *Financial Services and Pensions Ombudsman Act 2017* (22/2017), s. 5(1) and sch. 1 part 1 ref. 4, S.I. No. 524 of 2017.

Amendment of First Schedule to Principal Act

34. The First Schedule to the Principal Act is amended—

(a) in paragraph 2, by substituting "2" for "16",

(b) by substituting the following paragraph for paragraph 8:

"8. Of the ordinary members of the Pensions Authority—

(a) one shall be nominated by the Minister and shall be an officer and representative of the Department of Social Protection, and

(b) one shall be nominated by the Minister for Finance and shall be an officer and representative of the Department of Finance.",

(c) in paragraph 11(1), by substituting "shall" for "may",

(d) by deleting paragraph 16,

(e) in paragraph 19, by substituting "2" for "5", and

(f) in paragraph 23, by deleting "or more than one".

Section 19.

SCHEDULE

Miscellaneous Amendments to Principal Act

Item number	Provision amended	Amendment
1	Section 2	In subsection (1), delete the definition of "infectious diseases maintenance allowance".
2	Section 17	In paragraph (a) of subsection (4), delete "Chapter 5 of".
3	Section 21	In paragraph (e) of subsection (1), substitute "surviving civil partner's (contributory) pension," for "surviving civil partner's (contributory) pension".
4	Section 23	In paragraph (a) of subsection (3), delete "Chapter 5 of".
5	Section 26	In subsection (3), delete "or (iii)".
6	Section 62	In paragraph (a)(ii) of subsection (8), substitute "scheme provided by the Minister" for "scheme administered under the aegis of the Minister for Community, Rural and Gaeltacht Affairs".
7	Section 68	In subsection (5), substitute "scheme provided by the Minister" for "scheme administered under the aegis of the Minister for Community, Rural and Gaeltacht Affairs".
8	Section 141	In paragraph (b) of subsection (6), substitute "scheme provided by the Minister" for "scheme administered under the aegis of the Minister for Community, Rural and Gaeltacht Affairs".
9	Section 144	In subsection (3) in paragraph (c) of the definition of "couple", substitute "both cohabitants;" for "both cohabitants.".
10	Section 147	In paragraph (c) of subsection (1), substitute "scheme provided by the Minister" for "scheme administered under the aegis of the Minister for Community, Rural and Gaeltacht Affairs".
11	Section 148	In subsection (2), delete paragraph (e) of the definition of "institution of education".
12	Section 187	(a) In paragraph (b)(ii) of the definition of "mortgage interest", substitute "Housing Acts 1966 to 2009," for "Housing Acts 1963 to 2009.". (b) Insert the following defintion: " 'social housing support' has the meaning given to it by section 19 of the Housing (Miscellaneous Provisions) Act 2009;".
13	Section 198	In— (a) subsection (3A), substitute the following for paragraph (b): "(b) is participating in— (i) a scheme provided by the Minister and known as Community Employment, or (ii) a scheme administered by the Minister and known as— (I) Back to Work Enterprise Allowance (Self-Employed), (II) Back to Work Allowance (Employees), or (III) Back to Work Short Term Enterprise Allowance,", and (b) subsection (3F), substitute the following for paragraph (a):

Item number	Provision amended	Amendment
		"(a) determined to be qualified for social housing support by a housing authority under a social housing assessment pursuant to section 20 of the Housing (Miscellaneous Provisions) Act 2009,".
14	Section 199	In subsection (2)— (a) in paragraph (b), substitute "an allocation of a dwelling" for "a letting", and (b) substitute the following for paragraph (c): "(c) is a respondent to an excluding order, a site excluding order or an interim excluding order made under section 3, 3A or 4 of the Act of 1997, or".
15	Section 203	Delete section 203.
16	Section 218	In subsection (1)— (a) in paragraph (b), substitute "scheme provided by the Minister" for "scheme administered under the aegis of the Minister for Community, Rural and Gaeltacht Affairs", (b) in paragraph (c), substitute "Back to Work Allowance, or" for "Back to Work Allowance,", (c) in paragraph (d), substitute "Part-Time Job Incentive." for "Part-Time Job Incentive, or", and (d) delete paragraph (e).
17	Section 246	In subsection (3), substitute "186D(1)" for "186D(3)".
18	Section 247	(a) Substitute the following for subsection (1): "(1) Where, but for this subsection, more than one of the following would be payable to or in respect of a person in respect of the same period, only one shall be paid— (a) any benefit specified in section 39(1) other than death benefit by way of a grant in respect of funeral expenses, bereavement grant or widowed or surviving civil partner grant, or (b) any assistance specified in section 139(1) other than a payment under section 186A, domiciliary care allowance, supplementary welfare allowance or widowed or surviving civil partner grant.". (b) in subsection (2)— (i) substitute the following for paragraph (b): "(b) any assistance specified in section 139(1) other than domiciliary care allowance, supplementary welfare allowance or widowed or surviving civil partner grant,", and (ii) delete paragraph (c). (c) Substitute the following for subsection (3): "(3) for the purposes of this section any payment specified in subsection (1)(a) or (b) payable in respect of a person

Item number	Provision amended	Amendment
		shall be regarded as such specified payment payable to that person.".
19	Section 247A	(a) In paragraph (a), substitute "widowed parent grant, or" for "widowed parent grant,". (b) In paragraph (b), substitute "widowed parent grant," for "widowed parent grant, or". (c) Delete paragraph (c).
20	Section 247B	In— (a) subsection (1)— (i) in paragraph (b), substitute "on account of incapacity, and" for "on account of incapacity,", (ii) in paragraph (c)(iii), substitute "surviving civil partner grant," for "surviving civil partner grant, and", and (iii) delete paragraph (d), and (b) subsection (2), substitute "paragraphs (a) to (c)" for "paragraphs (a) to (d)".
21	Section 265	In subsection (1), in paragraph (a) of the definition of "relevant purpose", delete subparagraph (iii).
22	Section 302	In paragraph (b), delete "early childcare supplement,".
23	Section 319	In paragraph (b), delete "early childcare supplement,".
24	Schedule 3	In Table 2, delete Reference No. 18.



Number 20 *of* 2013

SOCIAL WELFARE AND PENSIONS (MISCELLANEOUS PROVISIONS) ACT 2013

REVISED

Updated to 1 January 2018

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Civil Registration Acts 2004 to 2015: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Children and Family Relationships Act 2015 (9/2015)* (9/2015), s. 1(2)). The Acts in this group are:

- *Civil Registration (Amendment) Act 2005* (19/2005)
- *Social Welfare (Miscellaneous Provisions) Act 2008* (22/2008), s. 25
- *Civil Registration (Amendment) Act 2012* (48/2012)
- *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013* (20/2013), Part 3
- *Civil Registration (Amendment) Act 2014 (34/2014)* (34/2014)
- *Children and Family Relationships Act 2015* (9/2015), Part 9

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1990, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

• *Financial Services and Pensions Ombudsman Act 2017* (22/2017)

All Acts up to and including *Finance Act 2017* (41/2018), enacted 25 December 2017, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

• *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (Sections 22(b), 26, 27, 28, 29 and 34) (Commencement) Order 2014* (S.I. No. 103 of 2014)
• *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (Section 3) (Commencement) Order 2013* (S.I. No. 404 of 2013)
• *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (Section 15) (Commencement) Order 2013* (S.I. No. 369 of 2013)
• *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 (Section 8) (Commencement) Order 2013* (S.I. No. 339 of 2013)

All statutory instruments up to and including *Legal Metrology (Measuring Instruments) Act 2017 (Commencement) Order 2018* (S.I. No. 1 of 2018), made 4 January 2018, were considered in the preparation of this revision.