



Number 9 of 2004

**SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) ACT
2004**

ARRANGEMENT OF SECTIONS

PART 1

SHORT TITLE, CONSTRUCTION, COLLECTIVE CITATION AND
COMMENCEMENT

Section

1. Short title, construction, collective citation and commencement.

PART 2

AMENDMENTS TO THE SOCIAL WELFARE ACTS

2. Definitions.
3. Child benefit (new rates).
4. Respite care grant — increase.
5. Payments after death — improvements.
6. Death benefit — improvements.
7. Rates of assistance and effect of means on rates — improvements.
8. Maternity benefit — amendments.
9. Adoptive benefit — amendments.
10. Amendments consequential on alignment of income tax year with calendar year.
11. Personal public service number — extension of provisions.
12. Appointment and duties of social welfare inspectors — amendments.
13. Amendments of section 2 of Principal Act.
14. Employment contributions — amendment.
15. Rates of self-employment contributions and related matters — amendment.
16. Employment contributions — amendment of payment of contributions and keeping of records.

Section

17. Provisions for habitual residence.
18. Amendment of section 3(12) of Principal Act — definition of spouse.
19. Provision in relation to certain administrative schemes.

PART 3

MISCELLANEOUS AMENDMENTS

20. Amendment to Health Contributions Act 1979.
21. Amendment to National Training Fund Act 2000.
22. Equal pension treatment — amendments to Pensions Act 1990.
23. Miscellaneous amendments to Pensions Act 1990.

SCHEDULE 1

SCHEDULE 2

AMENDMENTS TO PENSIONS ACT 1990

ACTS REFERRED TO

Adoptive Leave Act 1995	1995, No. 2
Air Navigation and Transport Act 1946	1946, No. 23
Civil Service Regulation Act 1956	1956, No. 46
Courts Act 1981	1981, No. 11
Employment Agency Act 1971	1971, No. 27
Employment Equality Act 1998	1998, No. 21
Equal Status Act 2000	2000, No. 8
Health Acts 1947 to 2001	
Health Contributions Act 1979	1979, No. 14
Industrial Relations Act 1946	1946, No. 26
Interpretation Acts 1937 to 1997	
Irish Aviation Authority Act 1993	1993, No. 29
Local Government Act 2001	2001, No. 37
Maternity Protection Act 1994	1994, No. 34
Merchant Shipping (Certification of Seamen) Act 1979	1979, No. 37
Merchant Shipping Act 1947	1947, No. 46
National Minimum Wage Act 2000	2000, No. 5
National Training Fund Act 2000	2000, No. 41
Pensions Act 1990	1990, No. 25
Pensions Acts 1990 to 2003	
Pensions (Amendment) Act 2002	2002, No. 18
Personal Injuries Assessment Board Act 2003	2003, No. 46
Protection of Employees (Fixed-Term Work) Act 2003	2003, No. 29
Protection of Young Persons (Employment) Act 1996	1996, No. 16
Redundancy Payments Act 1967	1967, No. 21
Redundancy Payments Act 1971	1971, No. 20
Redundancy Payments Act 1979	1979, No. 7
Social Welfare (Consolidation) Act 1993	1993, No. 27
Social Welfare (Miscellaneous Provisions) Act 2002	2002, No. 8
Social Welfare (Miscellaneous Provisions) Act 2003	2003, No. 4
Social Welfare Act 1994	1994, No. 4
Social Welfare Act 1996	1996, No. 7
Social Welfare Act 1997	1997, No. 10
Social Welfare Act 1999	1999, No. 3
Social Welfare Act 2000	2000, No. 4
Social Welfare Act 2001	2001, No. 5
Social Welfare Act 2003	2003, No. 41
Taxes Consolidation Act 1997	1997, No. 39
Transport (Miscellaneous Provisions) Act 1971	1971, No. 14



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**SOCIAL WELFARE (MISCELLANEOUS PROVISIONS) ACT
2004**

AN ACT TO AMEND AND EXTEND THE SOCIAL WELFARE ACTS, TO AMEND AND EXTEND THE PENSIONS ACT 1990 FOR, AMONGST OTHER PURPOSES, THE PURPOSE OF GIVING EFFECT (IN SO FAR AS THEY RELATE TO OCCUPATIONAL PENSIONS) TO COUNCIL DIRECTIVE 2000/43/EC OF 29 JUNE 2000 IMPLEMENTING THE PRINCIPLE OF EQUAL TREATMENT BETWEEN PERSONS IRRESPECTIVE OF RACIAL OR ETHNIC ORIGIN AND COUNCIL DIRECTIVE 2000/78/EC OF 27 NOVEMBER 2000 ESTABLISHING A GENERAL FRAMEWORK FOR EQUAL TREATMENT IN EMPLOYMENT AND OCCUPATION AND TO AMEND THE HEALTH CONTRIBUTIONS ACT 1979 AND THE NATIONAL TRAINING FUND ACT 2000. [25th March 2004]

BE IT ENACTED BY THE OIREACHTAS AS
FOLLOWS:

PART 1

SHORT TITLE, CONSTRUCTION, COLLECTIVE CITATION AND
COMMENCEMENT

1.—(1) This Act may be cited as the Social Welfare (Miscellaneous Provisions) Act 2004.

Short title,
construction,
collective citation
and
commencement.

(2) The Social Welfare Acts and *sections 1 to 19* of this Act shall be read together as one.

(3) *Sections 22 and 23* of this Act and the Pensions Acts 1990 to 2003 may be cited together as the Pensions Acts 1990 to 2004.

(4) *Sections 17, 22 and 23* of this Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions and for the amendments effected by the said *sections 22 and 23* to the Pensions Act 1990.

PART 2

AMENDMENTS TO THE SOCIAL WELFARE ACTS

Definitions.

2.—In this Act—

- “Act of 1994” means the Social Welfare Act 1994;
- “Act of 1997” means the Social Welfare Act 1997;
- “Act of 1999” means the Social Welfare Act 1999;
- “Act of 2001” means the Social Welfare Act 2001;
- “Act of 2003” means the Social Welfare Act 2003;
- “Principal Act” means the Social Welfare (Consolidation) Act 1993.

Child benefit (new rates).

3.—(1) The Fourth Schedule to the Principal Act is amended by substituting the following for Part III (inserted by section 3 of the Social Welfare (Miscellaneous Provisions) Act 2003):

“PART III

AMOUNTS OF CHILD BENEFIT

Amount for each of first 2 children (1)	Amount for each child in excess of 2 (2)
€131.60	€165.30

”.

- (2) This section comes into operation on 1 April 2004.

Respite care grant — increase.

4.—(1) The Principal Act is amended in sections 82F(1) and 168A(2) (both as amended by section 4 of the Social Welfare (Miscellaneous Provisions) Act 2003) by substituting “€1,670” for “€1,470” and “€835” for “€735”.

- (2) This section comes into operation on 1 June 2004.

Payments after death — improvements.

5.—(1) The Principal Act is amended by substituting for section 210 (as amended by section 7 of the Social Welfare (Miscellaneous Provisions) Act 2003) the following:

“Payments after death. 210.—(1) In this section—

‘benefit’ means—

- (a) disability benefit,
- (b) unemployment benefit (including any amount payable by way of pay-related benefit where appropriate),
- (c) injury benefit,
- (d) carer’s benefit,

- (e) old age (contributory) pension,
- (f) retirement pension,
- (g) invalidity pension,
- (h) unemployment assistance,
- (i) old age (non-contributory) pension and blind pension,
- (j) unemployability supplement,
- (k) supplementary welfare allowance,
- (l) pre-retirement allowance,
- (m) disability allowance,
- (n) farm assist,
- (o) widow's (contributory) pension or widower's (contributory) pension,
- (p) one-parent family payment,
- (q) death benefit under section 60,
- (r) carer's allowance;

'relevant person' has the meaning assigned to it by section 82A(1) or, as appropriate, 163(1).

(2) Notwithstanding any provisions to the contrary in this Act—

- (a) where a person who is in receipt of a benefit which includes an increase in respect of a qualified adult, or where the spouse is in receipt of any benefit in his or her own right, dies, payment of the benefit shall continue to be made for a period of 6 weeks after the date of death and shall, during that period, be made to such person and subject to such conditions as may be prescribed,
- (b) where a qualified child, in respect of whom an increase of a benefit is being paid, dies, the amount of such increase shall continue to be made for a period of 6 weeks after the date of death,
- (c) where a person is in receipt of one-parent family payment by virtue of having not more than one qualified child and that qualified child dies, payment of the one-parent family payment including the increase in respect of such child shall continue to be made