



Number 38 of 2013

Social Welfare and Pensions Act 2013



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SOCIAL WELFARE AND PENSIONS ACT 2013

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Social Welfare and Pensions Act 2013.

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Health (Repayment Scheme) Act 2006 (No. 17)
Pensions Act 1990 (No. 25)
Pensions Acts 1990 to 2013
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Social Welfare (Miscellaneous Provisions) Act 2008 (No. 22)
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[No. 38.]

Social Welfare and Pensions Act 2013.

[2013.]



Number 38 of 2013

SOCIAL WELFARE AND PENSIONS ACT 2013

An Act to amend and extend the Social Welfare Acts and the Pensions Act 1990; to provide for the recovery of certain benefits and assistance by the Minister for Social Protection; to amend the Personal Injuries Assessment Board Act 2003; and to provide for related matters. [9th November, 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 Act 2013.
- (2) The Social Welfare Acts and *Parts 1* and *2* shall be read together as one.
- (3) The Pensions Acts 1990 to 2013 and *Part 4* shall be read together as one and may be cited together as the Pensions Acts 1990 to 2013.
- (4) *Sections 13* and *14* 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.

PART 2

AMENDMENTS TO SOCIAL WELFARE ACTS

Definitions

2. In this Part—

“Act of 2005” means the Social Welfare Act 2005;

“Act of 2009” means the Social Welfare and Pensions (No. 2) Act 2009;

“Act of 2010” means the Social Welfare (Miscellaneous Provisions) Act 2010;

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

Contributions by certain persons

3. (1) Chapter 5B (inserted by section 6 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013) of Part 2 of the Principal Act is amended—

(a) in section 30E—

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

“(1A) This Chapter applies to—

(a) an employed contributor, and

(b) a person who is in receipt of a pension arising from a previous employment of that person or of his or her spouse or civil partner, where such employed contributor or such person—

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

(ii) in a contribution year receives income referred to in subsection (3).”

and

(ii) by inserting the following subsections after subsection (2):

“(3) The income received by an employed contributor referred to in subsection (1A)(a) or a person referred to in subsection (1A)(b) in a contribution year to which subsection (1A) refers is unearned reckonable income where such employed contributor or person does not have—

(a) reckonable emoluments, or

(b) reckonable income to which—

(i) Chapter 3 of Part 4, or

(ii) Part 43,

of the Act of 1997 applies,

in that contribution year.

(4) In subsection (3) ‘unearned reckonable income’ means reckonable income other than reckonable income to which—

(a) Chapter 3 of Part 4, or

(b) Part 43,

of the Act of 1997 applies.”

(b) in section 30F—

(i) in subsection (1), by substituting “Subject to subsection (1A), a person” for “An employed contributor”,

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

“(1A) A contribution shall not be payable in accordance with this Chapter in respect of reckonable income referred to in section 30E(2) or unearned reckonable income referred to in section 30E(3) for any contribution year in which a person to whom this Chapter applies is not a chargeable person within the meaning of section 959A of the Act of 1997.”,

and

(iii) in subsection (4)(a), by substituting “a person” for “an employed contributor” in each place in which it occurs,

and

(c) in section 30G—

(i) in subsection (1)(f)—

(I) by substituting “a person” for “an employed contributor”, and

(II) by substituting “by the person” for “by the contributor”,

and

(ii) in subsection (4)—

(I) by substituting “classes of person” for “classes of employed contributors”, and

(II) by substituting “that person” for “that employed contributor”.

(2) *Subsection (1)*, in so far as it relates to liability for a contribution under section 30F(1) (amended by *paragraph (b)* of that subsection) of the Principal Act, applies in respect of any unearned reckonable income referred to in section 30E(3) received by a person referred to in subsection (1A) of section 30E of the Principal Act (inserted by *paragraph (a)* of *subsection (1)*)—

(a) in respect of the contribution year commencing on 1 January 2014, and

(b) in respect of each subsequent contribution year.

(3) This section comes into operation on 1 January 2014.

Illness benefit — amendments

4. (1) Section 40 of the Principal Act is amended—

(a) in subsection (2), by substituting “6” for “3”,

(b) by inserting the following subsection after subsection (2):

“(2A) Subsection (2) shall not apply to a person who had an entitlement to jobseeker’s benefit or jobseeker’s allowance for any day or days in the period of 14 consecutive days ending on the day before the first day of incapacity for work.”,

and

(c) in subsection (3)—

(i) by deleting the following in paragraph (d):

“and a period of incapacity for work is deemed to include any day or days of unemployment in the period of 3 consecutive days before the first day of incapacity for work”,

and

(ii) in paragraph (f), by substituting “other than for the purposes of subsection (2A), Sunday” for “Sunday”.

(2) The amendments to section 40 of the Principal Act effected by *subsection (1)* come into operation on 6 January 2014 as respects a period of incapacity for work, within the meaning of section 40 of the Principal Act, the first day of which occurs on or after 6 January 2014.

Maternity benefit — rate of benefit

5. (1) Section 49 (amended by section 7 of the Act of 2005) of the Principal Act is amended by substituting the following subsection for subsection (1):

“(1) Subject to this Act, the weekly rate of maternity benefit shall be—

(a) in the case of a claim for maternity benefit where the first day in respect of which benefit is payable is before 6 January 2014, an amount equal to the greater of—

(i) 80 per cent of the reckonable weekly earnings, reckonable weekly emoluments or reckonable weekly income, as the case may be, of the woman to whom the benefit is payable in the income tax year prescribed for the purposes of this section, or

(ii) the amount of illness benefit, including any increases of that benefit, which the woman would otherwise receive if she was entitled to that benefit, or

(iii) any amount that shall be prescribed, for the purposes of this paragraph,

or

(b) in the case of a claim for maternity benefit where the first day in respect of which benefit is payable is on or after 6 January 2014, an amount equal to the greater of—

(i) the amount of illness benefit, including any increases of that benefit, which the woman would otherwise receive if she was entitled to that benefit, or

(ii) €230.”.

(2) This section comes into operation on 6 January 2014.

Adoptive benefit — rate of benefit

6. (1) Section 60 (amended by section 8 of the Act of 2005) of the Principal Act is amended by substituting the following subsection for subsection (1):

“(1) Subject to this Act, the weekly rate of adoptive benefit shall be—

(a) in the case of a claim for adoptive benefit where the first day in respect of which benefit is payable is before 6 January 2014, an amount equal to the greater of—

(i) 80 per cent of the reckonable weekly earnings, reckonable weekly emoluments or reckonable weekly income, as the case may be, of the woman to whom the benefit is payable in the income tax year prescribed for the purposes of this section, or

(ii) the amount of illness benefit, including any increases of that benefit, which the woman would otherwise receive if she was entitled to that benefit, or

(iii) any amount that shall be prescribed, for the purposes of this paragraph,

or

(b) in the case of a claim for adoptive benefit where the first day in respect of which benefit is payable is on or after 6 January 2014, an amount equal to the greater of—

(i) the amount of illness benefit, including any increases of that benefit, which the woman would otherwise receive if she was entitled to that benefit, or

(ii) €230.”.

(2) This section comes into operation on 6 January 2014.

Injury benefit — amendments

7. (1) Section 74 of the Principal Act is amended—

(a) in subsection (2), by substituting “6” for “3”, and

(b) by inserting the following subsections after subsection (2):

“(2A) Subsection (2) shall not apply to a person who had an entitlement to jobseeker’s benefit or jobseeker’s allowance for any day or days in the period of 14 consecutive days ending on the day before the first day on which, as a result of the injury, he or she is incapable of work.

(2B) Subsection (2) shall not apply to a person who had a period of incapacity for work immediately before, or not more than 3 days

before the first day on which, as a result of the injury, he or she is incapable of work.”.

- (2) The amendments to section 74 of the Principal Act effected by *subsection (1)* come into operation on 6 January 2014 as respects a period, the first day of which occurs on or after 6 January 2014, during which as a result of an injury referred to in subsection (1) of section 74 a person is incapable of work.

Discontinuance of payment of bereavement grant

8. (1) Section 134 of the Principal Act is amended by substituting the following subsection for subsection (1) (amended by sections 17 and 26 of the Social Welfare and Pensions Act 2010):

“(1) Subject to this Act, a bereavement grant shall be payable to the person or persons that may be prescribed—

(a) on the death, before 1 January 2014, of—

- (i) a pensioner,
- (ii) a qualified adult,
- (iii) a spouse, civil partner or cohabitant of a pensioner,
- (iv) a qualified child in respect of whom an increase of pension specified in paragraphs (a) to (f) in the definition of ‘pensioner’ in subsection (3) was being paid at the time of death,
- (v) an orphan, or
- (vi) a person to whom a guardian’s payment (contributory) is payable under section 133,

or

(b) where the contribution conditions in section 135 are satisfied, on the death, before 1 January 2014, of—

- (i) an insured person,
- (ii) the spouse, civil partner or cohabitant of an insured person,
- (iii) the widow, widower or surviving civil partner of a deceased insured person, or
- (iv) a qualified child other than a qualified child referred to in paragraph (a)(iv).”.

- (2) This section comes into operation on 1 January 2014.

Jobseeker’s allowance — amendments

9. (1) The Principal Act is amended—

(a) in section 142A—

- (i) in subsection (1)(a) (amended by section 6 of the Act of 2009), by substituting “25” for “22”,
- (ii) in subsection (4), by inserting the following paragraph after paragraph (aa) (inserted by section 21 of the Act of 2010):

“(ab) the period of unemployment commenced on or before 14 January 2014 and the claimant was a person—

- (i) who, on or before that date, attained the age of 22 years and had not attained the age of 25 years, and

- (ii) to whom, on or before 14 January 2014, section 142B applied,”

- (iii) in subsection (4), by deleting paragraph (b), and

- (iv) in subsection (4)(d) (amended by section 6 of the Act of 2009), by substituting “25” for “22”,

and

- (b) in section 142B (inserted by section 6 of the Act of 2009)—

- (i) in subsection (1)(a)—

(I) by substituting “25” for “22”, and

(II) by substituting “26” for “25”,

- (ii) in subsection (3) (amended by section 21 of the Act of 2010), by inserting the following paragraph after paragraph (a):

“(aa) the period of unemployment commenced on or before 14 January 2014 and the claimant was a person—

- (i) who, on or before that date, attained the age of 25 years and had not attained the age of 26 years, and

- (ii) to whom, on or before 14 January 2014, section 142 applied,”

and

- (iii) in subsection (3), by deleting paragraph (b).

- (2) This section comes into operation on 15 January 2014.

Supplementary welfare allowance — amendments

- 10.** (1) Section 197 (amended by section 7 of the Social Welfare and Pensions Act 2009) of the Principal Act is amended—

- (a) in subsection (2) (amended by section 13 of the Act of 2009), by substituting “25” for “22”,

- (b) in subsection (3) (amended by section 13 of the Act of 2009), by inserting the following paragraph after paragraph (a):

“(aa) has been in continuous receipt of the allowance from a date on or

before 8 January 2014 and where, in the period prior to that date, the claimant was not a person to whom subsection (2) applied, or”,

- (c) in subsection (3)(b) (amended by section 13 of the Act of 2009), by substituting “25” for “22”,
- (d) in subsection (4) (inserted by section 13 of the Act of 2009)—
 - (i) by substituting “25” for “22”, and
 - (ii) by substituting “26” for “25”,
 and
- (e) by inserting the following subsection after subsection (5) (inserted by section 13 of the Act of 2009):
 - “(6) Subsection (4) shall not apply in the case of a claim for supplementary welfare allowance where—
 - (a) the claimant has been in continuous receipt of the allowance from a date on or before 8 January 2014, and
 - (b) in the period prior to that date, the claimant was not a person to whom subsection (4) applied.”.
- (2) Section 198 of the Principal Act is amended in subsection (1A) (inserted by section 6 of the Social Welfare and Pensions Act 2010) by substituting “26” for “25”.
- (3) This section comes into operation on 9 January 2014.

Discontinuance of mortgage interest supplement

11. Section 198 of the Principal Act is amended—

- (a) in subsection (5) (amended by section 14 of the Social Welfare (Miscellaneous Provisions) Act 2008) by substituting “Subject to subsections (10) and (11) and without prejudice to” for “Without prejudice to”, and
- (b) by inserting the following subsections after subsection (9) (amended by section 11 of, and Schedule 2 to, the Social Welfare and Pensions Act 2010):
 - “(10) The supplement referred to in subsection (5), payable towards the amount of mortgage interest payable by a person shall not be paid to any person on or after 1 January 2018.
 - (11) An application for the supplement referred to in subsection (5) shall not be made on or after 1 January 2014.”.

Invalidity pension — rate of pension in certain cases

- 12. (1)** The Principal Act is amended in Part 1 (amended by section 3 of the Social Welfare Act 2010) of Schedule 2 by substituting the following for reference 4:

“

4. Invalidity Pension:	193.50	138.10	29.80	143.00	7.70	10.00	12.70
Additional increase for a beneficiary who has attained the age of 65 years before 2 January 2014	36.80	-	-	-	-	-	-
Additional increase where a qualified adult has attained pensionable age before 2 January 2014	-	68.20	-	-	-	-	-

”.

(2) This section comes into operation on 2 January 2014.

Recovery of certain benefits and assistance

13. The Principal Act is amended—

- (a) in section 4(4)(a), by substituting “342, 343M and 363” for “342 and 363”,
- (b) in section 300(2)—
 - (i) in paragraph (h), by substituting “and insurability),” for “and insurability), and”, and
 - (ii) by inserting the following after paragraph (h):

“(hh) Part 11B (recovery of certain benefits and assistance) being a question as to whether a benefit, or any part of a benefit, specified in a statement of recoverable benefits is a recoverable benefit within the meaning of that Part, and”,
- (c) in section 311 (amended by section 18 of the Social Welfare and Pensions Act 2008)—
 - (i) in subsection (1), by substituting “Subject to subsection (4), where any person” for “Where any person”, and
 - (ii) by inserting the following after subsection (3):

“(4) No appeal may be made under subsection (1) by any person against the decision given by a deciding officer on a question under paragraph (hh) (inserted by *section 13(b)* of the *Social Welfare and Pensions Act*

2013) of section 300(2) until the recoverable benefits specified in the statement of recoverable benefits have been paid to the Minister in accordance with section 343R (inserted by *section 13(d)* of the *Social Welfare and Pensions Act 2013*).”,

- (d) by inserting the following after Part 11A (inserted by section 15 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013):

“Part 11B

RECOVERY OF CERTAIN BENEFITS AND ASSISTANCE

Interpretation

343L. (1) In this Part—

‘Act of 2003’ means the Personal Injuries Assessment Board Act 2003;

‘Board’ means the Personal Injuries Assessment Board;

‘compensation payment’ has the meaning assigned to it by section 343M;

‘compensator’ has the meaning assigned to it by section 343M;

‘court’ means, in relation to a personal injury action, the court in which that action has been brought, being the High Court, Circuit Court or District Court, as the case may be;

‘injured person’ has the meaning assigned to it by section 343M and includes any person acting on his or her behalf or his or her personal representative;

‘personal injury’ includes any disease and any impairment of a person’s physical or mental condition;

‘recoverable benefits’ has the meaning assigned to it by subsection (2);

‘relevant compensation payment’ means any part of a compensation payment that is attributable to loss of earnings or profits of an injured person;

‘specified benefits’ has the meaning assigned to it by section 343O;

‘specified period’ shall be construed in accordance with section 343N;

‘statement of recoverable benefits’ means a statement issued by the Minister under section 343P.

(2) In this Part ‘recoverable benefits’ means—

- (a) the specified benefits paid to an injured person as a result of the personal injury up to the date of the issuing of a statement of recoverable benefits, and
- (b) any specified benefits that may be paid to the injured person as a

result of the personal injury on or after the date referred to in paragraph (a) until the end of the specified period.

Application of Part

343M.(1) Subject to subsection (2), this Part applies where—

- (a) a payment (in this Part referred to as a ‘compensation payment’) is made by or on behalf of a person (in this Part referred to as the ‘compensator’) who is, or is alleged to be, liable to any extent in respect of a personal injury, not causing death, suffered by any other person (in this Part referred to as the ‘injured person’),
 - (b) the injured person has received, is receiving, or may receive, a specified benefit as a result of that personal injury during the specified period, and
 - (c) the compensation payment is made on or after the commencement of this Part unless that payment is made pursuant to a court order, an order of the Board in accordance with the Act of 2003 or a settlement and that order or settlement is made before the commencement of this Part.
- (2) This Part does not apply where compensation payments are made to an injured person—
- (a) by the Hepatitis C and HIV Compensation Tribunal,
 - (b) by a court of competent jurisdiction to compensate certain persons who have contracted Hepatitis C or Human Immunodeficiency Virus within the State from the use of Human Immunoglobulin Anti-D, whole blood or other blood products,
 - (c) by the Residential Institutions Redress Board,
 - (d) by the Residential Institutions Statutory Fund Board,
 - (e) under the provisions of the Health (Repayment Scheme) Act 2006 to a relevant person within the meaning of that Act,
 - (f) by the Criminal Injuries Compensation Tribunal,
 - (g) in relation to disability caused by Thalidomide,
 - (h) in accordance with the Garda Síochána (Compensation) Acts 1941 to 2003, or
 - (i) by a tribunal, redress board or under a scheme of compensation where that tribunal, scheme or redress board is prescribed under subsection (3).
- (3) The Minister may prescribe a compensation tribunal, redress board or scheme of compensation for the purposes of subsection (2) where—
- (a) compensation payments by the tribunal, redress board or under the scheme are made from moneys provided by the Oireachtas, or

- (b) the tribunal or redress board is performing functions conferred on it by or under an enactment, or
 - (c) the scheme is administered by the Minister or a Minister of the Government other than the Minister,
- and the Minister is satisfied that such prescribing will assist in securing beneficial, effective and efficient use of funds available to that tribunal, redress board or scheme.
- (4) This Part applies notwithstanding section 2 of the Civil Liability (Amendment) Act 1964.

Specified period

343N. The specified period in respect of which specified benefits are recoverable is the period beginning on the date on which the injured person first becomes entitled to a specified benefit as a result of the personal injury and ending on the earliest of the following—

- (a) the expiration of the period of 5 years from that date,
- (b) the date on which a compensator makes a compensation payment in final discharge of any claim made by or in respect of the injured person as a result of the personal injury, or
- (c) the date on which an agreement is made under which agreement an earlier payment is treated as having been made in final discharge of any such claim.

Specified benefits

343O. The specified benefits are:

- (a) illness benefit under Chapter 8 of Part 2;
- (b) partial capacity benefit under Chapter 8A of Part 2;
- (c) injury benefit under section 74;
- (d) an increase of disablement pension in accordance with section 77 or 77A, where the person is incapable of work and likely to remain permanently so incapable;
- (e) invalidity pension under Chapter 17 of Part 2;
- (f) disability allowance under Chapter 10 of Part 3.

Application for statement of recoverable benefits

- 343P. (1) Subject to subsection (2), a compensator shall apply to the Minister for a statement of recoverable benefits before making any compensation payment to, or in respect of, an injured person.
- (2) The Board shall apply to the Minister for a statement of recoverable benefits before issuing an order to pay under section 38 of the Act of 2003.

- (3) The Minister shall, within 4 weeks from the date of receipt of an application under subsection (1) or (2), issue a statement of recoverable benefits to the compensator or the Board, as the case may be.
- (4) The Minister shall, at the same time as issuing a statement of recoverable benefits to a compensator or the Board under subsection (3), issue a copy of the statement to the injured person.
- (5) The Minister may by regulations prescribe—
 - (a) the information required by him or her relating to the identity of the injured person and benefits received by that person for the purposes of an application for a statement of recoverable benefits, and
 - (b) the form in which the application shall be made.

Statement of recoverable benefits

- 343Q.(1) A statement of recoverable benefits shall, in respect of the injured person concerned, specify the amount of recoverable benefits.
- (2) A statement of recoverable benefits shall be valid for 3 months from the date that it is issued.
 - (3) A person to whom a statement of recoverable benefits is issued may request the Minister to furnish particulars of the manner in which the amount of recoverable benefits specified in the statement of recoverable benefits was calculated.
 - (4) The Minister shall furnish the particulars requested under subsection (3) within 4 weeks of the receipt of such a request.

Obligation to pay recoverable benefits

- 343R.(1) Subject to subsection (2), a compensator shall pay to the Minister the amount of recoverable benefits specified in the statement of recoverable benefits before making any compensation payment to, or in respect of, an injured person.
- (2) Where the recoverable benefits specified in the statement of recoverable benefits exceed the amount of the relevant compensation payment and that relevant compensation payment was the subject of an order of a court or assessment by the Board in accordance with the Act of 2003, the compensator is liable only to the extent of that amount so ordered or assessed.
 - (3) A compensator who fails to comply with subsection (1) or otherwise fails to pay the amount of recoverable benefits due to the Minister is liable to pay on demand to the Minister that amount of recoverable benefits so due.

Reduction of compensation payment to injured person

- 343S. (1) A compensator who pays an amount equal to the total amount of the

recoverable benefits to the Minister in accordance with section 343R may reduce the relevant compensation payment payable to the injured person by that amount and shall notify the injured person accordingly.

- (2) The compensation payment, other than the relevant compensation payment, payable by a compensator to an injured person shall not be reduced by the compensator where the total amount of the recoverable benefits exceeds the amount of the relevant compensation payment payable to an injured person.

Discharge of liability to injured person

343T. Where this Part applies to a claim for a compensation payment by or on behalf of an injured person, that claim, in so far as it relates to a relevant compensation payment, shall be treated as discharged to the extent that the compensator has made a payment to the Minister in respect of that claim in accordance with section 343R.

Refund to compensator where specified benefit not paid

343U.(1) Where a compensator has made a payment to the Minister in accordance with section 343R and any part of that payment includes specified benefits referred to in subsection (2), the Minister shall refund to the compensator the amount of that payment which represents those benefits.

- (2) The specified benefits referred to in subsection (1) are those benefits, within the meaning of paragraph (b) of the definition of recoverable benefits, not paid by the Minister to the injured person at the end of the specified period.

Appeal under section 311

343V. (1) This section applies where an appeal is brought under section 311 (amended by *section 13(c)* of the *Social Welfare and Pensions Act 2013*) against a decision given by a deciding officer on a question under paragraph (hh) (inserted by *section 13(b)* of the *Social Welfare and Pensions Act 2013*) of section 300(2).

- (2) Where on the determination of an appeal referred to in subsection (1) an appeals officer decides that the amount of recoverable benefits specified in the statement of recoverable benefits exceeds the amount of recoverable benefits due to the Minister, the Minister shall refund the amount of that excess to the compensator.
- (3) Where on the determination of an appeal referred to in subsection (1) an appeals officer decides that the amount of recoverable benefits specified in the statement of recoverable benefits is less than the amount of recoverable benefits due to the Minister, the compensator is liable to pay the Minister the difference between the amount paid to the Minister in accordance with section 343R and the amount of recoverable benefits due to the Minister as decided by the appeals officer.

More than one compensator making compensation payment

343W. Where two or more compensators are liable by virtue of this Part for recoverable benefits for the same personal injury, they shall be liable jointly and severally to the Minister in relation to those benefits and Part III of the Civil Liability Act 1961 shall be read as applying to that liability with all necessary modifications.”,

and

(e) by repealing subsections (1) and (2) of section 96, and section 286.

PART 3

AMENDMENT TO PERSONAL INJURIES ASSESSMENT BOARD ACT 2003

Amendment to section 38 of Personal Injuries Assessment Board Act 2003

14. Section 38 of the Personal Injuries Assessment Board Act 2003 is amended by substituting the following for subsection (2):

“(2) An order to pay shall state that the respondent to whom it is issued is liable to pay—

(a) to the Minister for Social Protection, the amount of recoverable benefits specified in the statement of recoverable benefits (if any) in accordance with the provisions of Part 11B (inserted by *section 13(d)* of the *Social Welfare and Pensions Act 2013*) of the Social Welfare Consolidation Act 2005, and

(b) to the claimant—

(i) the amount of damages specified in the assessment less the amount referred to in paragraph (a), and

(ii) the amount, if any, directed to be paid under section 44 or 45 or both of those sections.”.

PART 4

AMENDMENTS TO PENSIONS ACT 1990

Definition

15. In this Part, “Principal Act” means the Pensions Act 1990.

Amendment of section 59B of Principal Act

16. Section 59B of the Principal Act is amended in subsection (3), in the definition of “pension”, by inserting the following paragraph after paragraph (e):

“(ea) surviving civil partner’s (contributory) pension,”.

Amendment of section 59C of Principal Act

17. Section 59C of the Principal Act is amended in subsection (1), in the definition of “State pension”, by inserting the following paragraph after paragraph (e):

“(ea) surviving civil partner’s (contributory) pension,”.

New section 59H inserted into Principal Act

18. The Principal Act is amended by inserting the following section after section 59G (amended by section 39 of the Social Welfare and Pensions Act 2012):

“Power to amend scheme rules in certain circumstances

59H. (1) Notwithstanding anything in this Act or any other enactment or any rule of law or the rules of a scheme—

- (a) where the trustees of a scheme are permitted to reduce the amount of a benefit in accordance with section 59B(2)(a), they may make such amendments to the rules of the scheme as they consider appropriate to permit the reduction of the benefit payable to a person who reaches the age of 65 years on or after 1 January 2014 as if the State pension (contributory) commenced to be payable to that person from the age of 65 years, and
- (b) where the trustees of a scheme are required by the rules of the scheme to pay an integrated pension calculated by reference to the State pension (contributory) payable from the age of 65 years to a person who reaches the age of 65 years on or after 1 January 2014, they may make such amendments to the rules of the scheme as they consider appropriate to permit the application of the State pension offset in respect of that person by reference to a notional amount as if the State pension (contributory) had commenced to be payable to that person from the age of 65 years.

- (2) In subsection (1)—

‘integrated pension’ has the meaning assigned to it by section 59C;

‘State pension (contributory)’ means the State pension (contributory) under Part 2 of the Social Welfare Consolidation Act 2005;

‘State pension offset’ has the meaning assigned to it by section 59C.”.