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**An Bille um Shaoire Theaghlaigh agus Forálacha Ilghnéitheacha, 2021**  
**Family Leave and Miscellaneous Provisions Bill 2021**

*athraithe ó*  
*changed from*

AN BILLE UM SHAOIRE THEAGHLAIGH, 2021  
FAMILY LEAVE BILL 2021

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*Mar a ritheadh ag Seanad Éireann*

*As passed by Seanad Éireann*

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**AN BILLE UM SHAOIRE THEAGHLAIGH AGUS FORÁLACHA  
ILGHNÉITHEACHA, 2021  
FAMILY LEAVE AND MISCELLANEOUS PROVISIONS BILL 2021**

*athraithe ó  
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**AN BILLE UM SHAOIRE THEAGHLAIGH, 2021  
FAMILY LEAVE BILL 2021**

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#### SCHEDULE

##### MISCELLANEOUS AMENDMENTS OF ACT OF 1995

## ACTS REFERRED TO

Adoption Act 2010 (No. 21)  
Adoptive Leave Act 1995 (No. 2)  
Child and Family Agency Act 2013 (No. 40)  
Children and Family Relationships Act 2015 (No. 9)  
Civil Liability and Courts Act 2004 (No. 31)  
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24)  
Judicial Council Act 2019 (No. 33)  
Parent's Leave and Benefit Act 2019 (No. 35)  
Parental Leave Act 1998 (No. 30)  
Paternity Leave and Benefit Act 2016 (No. 11)  
Personal Injuries Assessment Board Act 2003 (No. 46)  
Social Welfare Consolidation Act 2005 (No. 26)  
Workplace Relations Act 2015 (No. 16)





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AN BILLE UM SHAOIRE THEAGHLAIGH AGUS FORÁLACHA  
ILGHNÉITHEACHA, 2021  
FAMILY LEAVE AND MISCELLANEOUS PROVISIONS BILL 2021

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# Bill

*entitled*

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An Act to amend the Adoptive Leave Act 1995 to enable a couple who jointly adopt a child to choose which member of the couple is to be entitled to employment leave under that Act for the purpose of the adoption; to amend the Parent's Leave and Benefit Act 2019 to extend the period to which a relevant parent is entitled to leave from his or her employment under that Act and to extend the period in which such leave may be taken; 10  
for those purposes to amend the Social Welfare Consolidation Act 2005 and certain other enactments; to amend the Child and Family Agency Act 2013 to increase the number of ordinary members of the Board of the Child and Family Agency to nine; to amend the Judicial Council Act 2019 and the Personal Injuries Assessment Board Act 2003 to make further provision in relation to the operation of personal injuries 15  
guidelines adopted by the Judicial Council; and to provide for related matters.

**Be it enacted by the Oireachtas as follows:**

## PART 1

### PRELIMINARY AND GENERAL

#### **Short title and commencement**

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1. (1) This Act may be cited as the Family Leave and Miscellaneous Provisions Act 2021.
- (2) This Act, other than *Parts 4* and *9*, shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions. 25
- (3) *Part 4* shall come into operation on such day or days as the Minister for Social Protection may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

- (4) *Part 9* shall come into operation on such day or days as the Minister for Justice may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

**Definition**

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2. In this Act, “Minister” means the Minister for Children, Equality, Disability, Integration and Youth.

**Repeal**

3. Section 177 of the Children and Family Relationships Act 2015 is repealed.

PART 2

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AMENDMENT OF ADOPTIVE LEAVE ACT 1995

**Definition**

4. In this Part, “Act of 1995” means the Adoptive Leave Act 1995.

**Amendment of section 2 of Act of 1995**

5. Section 2(1) of the Act of 1995 is amended— 15

- (a) by the insertion of the following definitions:

“ ‘Act of 2010’ means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

‘civil partner’ shall be construed in accordance with section 3 of the Act of 2010; 20

‘cohabitant’ shall be construed in accordance with section 172(1) of the Act of 2010;

‘cohabiting couple’ has the same meaning as it has in the Adoption Act 2010;

‘couple’, in relation to the definition of ‘qualifying adopter’, means a married couple, a couple who are civil partners of each other or a cohabiting couple; 25

‘qualifying adopter’ means—

- (a) where a child is placed, or is to be placed, in the care of a couple (of whom neither is the mother or father of the child), with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, the member of the couple who is— 30

- (i) an employee, and



- (ii) chosen by the couple to be the qualifying adopter for the purposes of this Act,
- (b) in any other case, an employee, who is not a surviving parent in relation to the child, in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption; 5  
     ‘surviving parent’ means an employee in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, where his or her spouse, civil partner or cohabitant, as the case may be, was the qualifying adopter in relation to the child and the qualifying adopter concerned has died;” 10
- (b) in the definition of “adopting parent”, by the substitution of “qualifying adopter or surviving parent” for “employed adopting mother, adopting father or sole male adopter”, and 15
- (c) in the definition of “Minister”, by the substitution of “Minister for Children, Equality, Disability, Integration and Youth;” for “Minister for Justice, Equality and Law Reform;”.

**Amendment of section 6 of Act of 1995**

- 6. Section 6 of the Act of 1995 is amended, other than as provided for by *section 7*, by the insertion of the following subsection after subsection (3): 20

“(4) A person may not avail of adoptive leave (within the meaning of subsection (1)) under this Act where the person avails of paternity leave under the Paternity Leave and Benefit Act 2016.”.

**Miscellaneous amendments of Act of 1995**

- 7. The provisions of the Act of 1995 referred to in *column (2)* of the *Schedule* are amended in the manner referred to in *column (3)* of the *Schedule* opposite the reference in *column (2)* to the provision concerned. 25

PART 3

AMENDMENT OF PARENTAL LEAVE ACT 1998

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**Amendment of section 6 of Parental Leave Act 1998**

- 8. Section 6(9) of the Parental Leave Act 1998 is amended by the substitution of the following definition for the definition of “adopting parent”:

“ ‘adopting parent’ means a qualifying adopter or a surviving parent within the meaning of the definitions of ‘qualifying adopter’ and ‘surviving parent’ in section 2(1) (as amended by *section 5* of the *Family Leave and Miscellaneous Provisions Act 2021*) of the Adoptive 35

Leave Act 1995 but as if, in both of those definitions, ‘or is to be placed’ were omitted in each place where it occurs;”.

## PART 4

### AMENDMENTS OF SOCIAL WELFARE ACTS

#### Definition

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9. In this Part, “Act of 2005” means the Social Welfare Consolidation Act 2005.

#### Amendment of section 58 of Act of 2005

10. Section 58 of the Act of 2005 is amended—

(a) in subsection (1)—

(i) by the substitution of the following definition for the definition of “adopting parent”:

“ ‘adopting parent’ means—

(a) a qualifying adopter, or

(b) a surviving parent;”,

and

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(ii) by the insertion of the following definitions:

“ ‘qualifying adopter’—

(a) in the case of an employed contributor, has the meaning given to it by section 2(1) of the Adoptive Leave Act 1995 (as amended by section 5 of the *Family Leave and Miscellaneous Provisions Act 2021*), or

(b) in the case of a person in insurable self-employment means—

(i) in the case of a child who is, or is to be, adopted jointly by a married couple, a couple who are civil partners of each other or a cohabiting couple, the member of the couple concerned, chosen by that couple to be the qualifying adopter for the purposes of this Act, and in whose care the child (of whom neither the qualifying adopter nor his or her spouse, civil partner or cohabitant, as the case may be, is the mother or father) has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, or

(ii) in any other case, a person who is not a surviving parent in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption;

‘surviving parent’—

(a) in the case of an employed contributor, has the meaning given to it by section 2(1) of the Adoptive Leave Act 1995 (as amended by section 5 of the *Family Leave and Miscellaneous Provisions Act 2021*), or

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(b) in the case of a person in insurable self-employment means a person who was the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter where the qualifying adopter concerned has died;”,

and

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(b) in subsection (4)—

(i) in paragraph (b)(i), by the substitution of “a qualifying adopter within the meaning of paragraph (b) of that definition” for “an adopting parent within the meaning of subsection (1)(b)(i) or (iii)”, and

(ii) in paragraph (b)(ii)—

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(I) by the substitution of “a surviving parent within the meaning of paragraph (b) of that definition” for “an adopting parent within the meaning of subsection (1)(b)(ii), where the adopting mother dies”, and

(II) in clause (II) by the substitution of “date of death of the qualifying adopter” for “date of her death”.

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#### **Amendment of section 60 of Act of 2005**

11. Section 60 of the Act of 2005 is amended, in subsection (1)(b)(i), by the substitution of “which the person would otherwise receive if he or she was entitled to that benefit” for “which the woman would otherwise receive if she was entitled to that benefit”.

#### **Amendment of section 61A of Act of 2005**

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12. Section 61A of the Act of 2005 is amended in subsection (1)—

(a) by the insertion of the following definition:

“ ‘qualifying adopter’—

(a) in the case of an employed contributor, has the meaning given to it by section 2(1) of the Act of 1995, or

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(b) in the case of a person in insurable self-employment means—

(i) in the case of a child who is, or is to be, adopted jointly by a married couple, a couple who are civil partners of each other or a cohabiting couple, the member of the couple concerned, chosen by that couple to be the qualifying adopter for the purposes of this Act, and in whose care the child (of whom neither the qualifying adopter nor his or her spouse, civil partner or cohabitant, as the case may be, is the mother or father) has been placed or is to be placed with a view to the making of an

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adoption order, or to the effecting of a foreign adoption or following any such adoption, or

- (ii) in any other case, a person who is not a surviving parent in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption;”, 5
- (b) in paragraph (b) of the definition of “relevant parent”, by the substitution of the following subparagraph for subparagraph (i):
  - “(i) in the case of a child who is, or is to be, adopted jointly by a married couple, a couple who are civil partners of each other or a cohabiting couple, the member of the couple concerned, chosen by that couple to be the relevant parent for the purposes of this Chapter, or”, 10
- (c) in paragraph (a) of the definition of “surviving parent”, by the substitution of “the qualifying adopter” for “the relevant adopting parent”, and 15
- (d) by the deletion of the definitions of “adopting mother”, “relevant adopting parent” and “sole male adopter”.

#### **Amendment of section 61B of Act of 2005**

**13.** Section 61B of the Act of 2005 is amended—

- (a) in subsection (3), by the substitution of “the qualifying adopter” for “the relevant adopting parent”, and 20
- (b) in subsection (7)(c)(i), by the substitution of “the qualifying adopter” for “the relevant adopting parent”.

#### **Amendment of section 61F of Act of 2005**

**14.** Section 61F of the Act of 2005 is amended, in subsection (1)— 25

- (a) by the insertion of the following definition:

“ ‘qualifying adopter’—

- (a) in the case of an employed contributor, has the meaning given to it by section 2(1) of the Act of 1995 (as amended by *section 5* of the *Family Leave and Miscellaneous Provisions Act 2021*), and 30
- (b) in the case of a person in insurable self-employment means—
  - (i) in the case of a child who is, or is to be, adopted jointly by a married couple, a couple who are civil partners of each other or a cohabiting couple, the member of the couple concerned, chosen by that couple to be the qualifying adopter for the purposes of this Act, and in whose care the child (of whom neither the qualifying adopter nor his or her spouse, civil partner or cohabitant, as the case may be, is the mother or father) has been placed or is to be placed with a view to the making of an 35

adoption order, or to the effecting of a foreign adoption or following any such adoption, or

(ii) in any other case, a person who is not a surviving parent in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption;”,

(b) in paragraph (b) of the definition of “relevant parent”, by the substitution of the following subparagraph for subparagraph (i):

“(i) in the case of a child who is, or is to be, adopted—

(I) where the child is or is to be adopted jointly— 10

(A) the qualifying adopter of the child, and

(B) the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child chosen by that couple to be the relevant parent for the purposes of this Chapter, 15

or

(II) in any other case, the person in whose care the child has been or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, 20

and”,

(c) in the definition of “surviving parent”, by the substitution of the following paragraph for paragraph (a):

“(a) in the case of a child who is, or is to be, adopted, where the deceased relevant parent was a member of a couple referred to in paragraph (b)(i)(I) of the definition of relevant parent, the other member of that couple, and”, 25

and

(d) by the deletion of the definitions of “adopting mother” and “sole male adopter”.

**Amendment of section 61G of Act of 2005** 30

**15.** Section 61G of the Act of 2005 is amended—

(a) in subsection (1), by the substitution of “104 weeks” for “52 weeks”,

(b) in subsection (10)—

(i) by the substitution of the following paragraph for paragraph (b):

“(b) in the case of a person in insurable self-employment, being— 35

(i) a relevant parent referred to in paragraph (b)(i) of the definition of relevant parent, for a continuous period of five consecutive weeks or periods consisting of not less than one week—

- (I) beginning on or after the day of placement of the child, and
- (II) ending not later than 104 weeks after the day of placement of the child,

or

- (ii) a relevant parent referred to in paragraph (b)(ii) of the definition of relevant parent, for a continuous period of five consecutive weeks or periods consisting of not less than one week—

- (I) beginning on or after the date of birth of the child, and

- (II) ending not later than 104 weeks after the date of birth of the child,

or”,

and

- (ii) in paragraph (c), by the substitution of “five weeks” for “2 weeks”,

and

- (c) in subsection (11)(b)(ii), by the substitution of “one hundredth and fourth week” for “fifty-second week”.

## PART 5

### AMENDMENT OF CHILD AND FAMILY AGENCY ACT 2013

#### **Definition**

- 16. In this Part, “Act of 2013” means the Child and Family Agency Act 2013.

#### **Amendment of section 19 of Act of 2013**

- 17. Section 19(1) of the Act of 2013 is amended by the substitution of “9” for “7”.

#### **Amendment of section 22 of Act of 2013**

- 18. Section 22 of the Act of 2013 is amended—

- (a) in subsection (4), by the substitution of “6” for “5” in both places that it occurs,
  - (b) in subsection (6), by the substitution of “5 ordinary members” for “4 ordinary members”, and
  - (c) in subsection (7), by the substitution of “4” for “3”.

## PART 6

### AMENDMENT OF WORKPLACE RELATIONS ACT 2015

#### **Amendment of section 41 of Workplace Relations Act 2015**

19. Section 41(7) of the Workplace Relations Act 2015 is amended—

(a) in paragraph (a), by the substitution of the following subparagraph for subparagraph (ii): 5

“(ii) in the case of a surviving parent (within the meaning of that Act), the date on which the qualifying adopter (within the meaning of that Act) who was the spouse, civil partner or cohabitant, as the case may be, of the surviving parent died,” 10

and

(b) in paragraph (f)(iii), by the substitution of “the qualifying adopter” for “the relevant adopting parent”.

## PART 7

### AMENDMENT OF PATERNITY LEAVE AND BENEFIT ACT 2016

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#### **Definition**

20. In this Part, “Act of 2016” means the Paternity Leave and Benefit Act 2016.

#### **Amendment of section 2 of Act of 2016**

21. Section 2(1) of the Act of 2016 is amended—

(a) by the deletion of the following definitions: 20

(i) “adopting mother”;

(ii) “employed adopting mother”;

(iii) “relevant adopting parent”;

(iv) “sole male adopter”;

(b) by the insertion of the following definition: 25

“ ‘qualifying adopter’, in relation to a child who is, or is to be adopted, means the qualifying adopter, within the meaning of the Act of 1995 (as amended by the *Family Leave and Miscellaneous Provisions Act 2021*), of the child and includes, for the purposes of this Act, a person who would be a qualifying adopter but for the fact that he or she is not an employee;” 30

(c) in the definition of “day of placement”, by the substitution of “the qualifying adopter” for “the relevant adopting parent” in both places where it occurs,

(d) in the definition of “relevant parent”, by the substitution of the following paragraph for paragraph (a):

“(a) in the case of a child who is, or is to be adopted, the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child,”

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and

(e) in the definition of “surviving parent”, by the substitution in paragraph (a) of “the qualifying adopter” for “the relevant adopting parent”.

**Amendment of section 6 of Act of 2016**

22. Section 6(1) of the Act of 2016 is amended by the substitution of “the qualifying adopter” for “the relevant adopting parent”. 10

**Amendment of section 7 of Act of 2016**

23. Section 7 of the Act of 2016 is amended—

(a) in subsection (3)(a)(ii), by the substitution of “the qualifying adopter” for “the employed adopting mother or sole male adopter concerned, as the case may be,” 15

(b) in subsection (3)(b)(ii), by the substitution of “the qualifying adopter” for “the employed adopting mother or sole male adopter concerned, as the case may be,” and

(c) in subsection (4)(a), by the substitution of “the qualifying adopter” for “the adopting mother or sole male adopter concerned, as the case may be.”. 20

PART 8

AMENDMENT OF PARENT’S LEAVE AND BENEFIT ACT 2019

**Definition**

24. In this Part, “Act of 2019” means the Parent’s Leave and Benefit Act 2019.

**Amendment of section 2 of Act of 2019**

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25. Section 2(1) of the Act of 2019 is amended—

(a) by the deletion of the following definitions:

(i) “adopting father”;

(ii) “adopting mother”;

(iii) “employed adopting mother”;

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(iv) “sole male adopter”,

(b) by the insertion of the following definition:



“ ‘qualifying adopter’, in relation to a child who is, or is to be adopted, means the qualifying adopter, within the meaning of the Act of 1995 (as amended by the *Family Leave and Miscellaneous Provisions Act 2021*), of the child and includes, for the purposes of this Act, a person who would be a qualifying adopter but for the fact that he or she is not an employee;” 5

(c) in the definition of “day of placement”, by the substitution of “the relevant parent” for “the relevant adopting parent”,

(d) in the definition of “relevant parent”, by the substitution of the following paragraph for paragraph (a): 10

“(a) in the case of a child who is, or is to be, adopted—

(i) the qualifying adopter of the child, and

(ii) the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child,”

and 15

(e) in the definition of “surviving parent”, by the substitution of the following paragraph for paragraph (a):

“(a) in the case of a child who is, or is to be, adopted—

(i) where the deceased relevant parent was the qualifying adopter of the child, the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child, or 20

(ii) where the deceased relevant parent was the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child, the qualifying adopter concerned,

and”. 25

#### **Amendment of section 5 of Act of 2019**

26. Section 5(1) of the Act of 2019 is amended by the substitution of “5 weeks” for “2 weeks”.

#### **Amendment of section 6 of Act of 2019**

27. Section 6 of the Act of 2019 is amended— 30

(a) in subsection (2)—

(i) by the substitution of the following paragraph for paragraph (b)

“(b) in the case of an adoption, other than an intercountry adoption effected or to be effected outside the State, where the relevant parent is a person referred to in paragraph (a)(ii) of the definition of relevant parent in section 2(1)— 35

(i) be given not later than 6 weeks before the intended commencement of the parent’s leave,

- (ii) indicate the expected date of commencement and duration of the parent’s leave, and
  - (iii) subject to subsection (3), include a copy of the certificate of placement that the qualifying adopter concerned supplied to his or her employer under section 7(1)(c) of the Act of 1995,” 5
- and
- (ii) by the substitution of the following paragraph for paragraph (c)—
    - “(c) in the case of an intercountry adoption effected or to be effected outside the State, where the relevant parent is a person referred to in paragraph (a)(ii) of the definition of relevant parent in section 2(1)— 10
      - (i) be given not later than 6 weeks before the intended commencement of the parent’s leave,
      - (ii) indicate the expected date of commencement and duration of the parent’s leave, and 15
      - (iii) subject to subsection (3), include a copy of an applicable declaration of eligibility and suitability that the qualifying adopter concerned supplied to his or her employer under section 7(2)(c) of the Act of 1995 and particulars in writing of the placement,” 20
- (b) in subsection (3)—
    - (i) by the substitution of “paragraph (b) or (c)” for “paragraph (b)(i) or (c)(i), and
    - (ii) by the substitution of “the qualifying adopter concerned” for “the adopting mother or sole male adopter concerned”, 25
- and
- (c) in subsection (6)—
    - (i) in paragraph (a), by the substitution of “subsection (2)(b)(iii)” for “subsection (2)(b)(i)(III)”, and
    - (ii) in paragraph (b), by the substitution of “subsection (2)(c)(iii)” for “subsection (2)(c)(i)(III)”. 30

**Amendment of section 7 of Act of 2019**

**28.** Section 7 of the Act of 2019 is amended—

- (a) in subsection (1)(a), by the substitution of “2 years” for “1 year”, and
- (b) in subsection (1)(b), by the substitution of “2 years” for “1 year”. 35

**Amendment of section 16 of Act of 2019**

**29.** Section 16(1) of the Act of 2019 is amended by the substitution of “5 weeks” for “2

weeks”.

## PART 9

### AMENDMENT OF JUDICIAL COUNCIL ACT 2019 AND PERSONAL INJURIES ASSESSMENT BOARD ACT 2003

#### **Amendment of Judicial Council Act 2019**

**30.** The Judicial Council Act 2019 is amended by— 5

(a) the substitution of the following section for section 99:

#### **“Amendment of section 22 of Civil Liability and Courts Act 2004**

**99.** Section 22 of the Civil Liability and Courts Act 2004 is amended by—

(a) the substitution of the following subsection for subsection (1):

‘(1) Subject to section 100 of the Act of 2019 and subsection (1A) 10  
(b), the court shall, in assessing damages in a personal injuries  
action commenced on or after the date on which section 99 of  
that Act comes into operation—

(a) have regard to the personal injuries guidelines (within the 15  
meaning of that Act) in force, and

(b) where it departs from those guidelines, state the reasons for  
such departure in giving its decision.’

(b) the insertion of the following subsection after subsection (1):

‘(1A) The court shall have regard to the Book of Quantum in 20  
assessing damages in a personal injuries action where the action  
is commenced—

(a) before the date on which section 99 of the Act of 2019  
comes into operation, or

(b) on or after the date on which that section comes into 25  
operation in relation to a relevant claim where—

(i) an assessment was made under section 20 of the Act of  
2003 in relation to that claim before the date of such  
coming into operation, and

(ii) that assessment was not, or was deemed not to have 30  
been, accepted in accordance with that Act.’

(c) in subsection (2)—

(i) the substitution of ‘Subsection (1A)’ for ‘Subsection (1)’, and

(ii) the substitution of ‘in a personal injuries action to which that  
subsection applies’ for ‘in a personal injuries action’,

and 35

(d) the substitution of the following subsection for subsection (3):

(3) In this section—

‘Act of 2019’ means the Judicial Council Act 2019;

‘assessment’ has the same meaning as it has in section 20(1) of the Act of 2003;

‘Book of Quantum’ means the Book of Quantum that, immediately before the coming into operation of section 99 of the Act of 2019, stands published by the Personal Injuries Assessment Board under the Act of 2003;

‘relevant claim’ has the same meaning as it has in section 9 of the Act of 2003.’.”

and

(b) the insertion of the following section after section 99:

**“Consideration of personal injuries guidelines as amended in certain circumstances**

**100.** (1) Where the Council adopts amendments under section 7(2)(g)(ii) to the personal injuries guidelines, for the purposes of section 22(1) of the Civil Liability and Courts Act 2004 the court shall continue to have regard to the personal injuries guidelines in force immediately prior to the adoption of the guidelines as amended in assessing damages in a personal injuries action where the action is commenced—

(a) before the date on which the guidelines as amended are adopted, or

(b) on or after the date on which the guidelines as amended are adopted in relation to a relevant claim where—

(i) an assessment was made under section 20 of the Act of 2003 in relation to that claim before the date of such adoption, and

(ii) that assessment was not, or was not deemed to have been, accepted in accordance with that Act.

(2) In this section—

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

‘assessment’ has the same meaning as it has in section 20(1) of the Act of 2003;

‘relevant claim’ has the same meaning as it has in section 9 of the Act of 2003.’.”

**Amendment of section 20 of Personal Injuries Assessment Board Act 2003**

**31.** Section 20 of the Personal Injuries Assessment Board Act 2003 is amended by—

(a) in subsection (4), the substitution of “Subject to subsection (5), an assessment shall be made” for “An assessment shall be made”, and

(b) the insertion of the following subsection after subsection (4):

“(5) In making, on or after the date of coming into operation of section 99 of the Judicial Council Act 2019, an assessment in relation to a relevant claim of the amount of damages for personal injuries the claimant is entitled to, assessors shall—

- (a) have regard to the personal injuries guidelines (within the meaning of that Act) in force, and
- (b) where they depart from those guidelines, state the reasons for such departure and include those reasons in the assessment in writing under section 30(1).”

SCHEDULE

Section 7

MISCELLANEOUS AMENDMENTS OF ACT OF 1995

Reference No. (1)	Provision (2)	Amendment (3)	
1.	Section 2(1)	Delete the definition of “adopting father”.	5
2.	Section 2(1)	Delete the definition of “adopting mother”.	
3.	Section 2(1)	Delete the definition of “employed adopting mother”.	
4.	Section 2(1)	Delete the definition of “sole male adopter”.	10
5.	Section 2(2)(c)	Substitute “his or her” for “her” in both places where it occurs.	
6.	Section 4(3)	Substitute “the adopting parent” for “her” in both places where it occurs.	
7.	Section 6(1)	Substitute “a qualifying adopter” for “an employed adopting mother (or sole male adopter)”.	15
8.	Section 7(1)	Substitute “a qualifying adopter” for “an employed adopting mother (or sole male adopter)”.	
9.	Section 7(1)(a)	Substitute “his or her” for “her” in both places where it occurs.	20
10.	Section 7(1)(b)	Substitute “his or her” for “her”.	
11.	Section 7(1)(c)	Substitute “his or her” for “her”.	
12.	Section 7(2)	Substitute “a qualifying adopter” for “an employed adopting mother (or sole male adopter)”.	
13.	Section 7(2)(a)	Substitute “his or her” for “her” in both places where it occurs.	25
14.	Section 7(2)(b)	Substitute “his or her” for “her”.	
15.	Section 7(2)(c)	Substitute “his or her” for “her”.	
16.	Section 7(3)	Substitute “the qualifying adopter” for “the employed adopting mother (or sole male adopter)”.	30
17.	Section 7(4)	Substitute— (a) “the qualifying adopter” for “the employed adopting mother (or sole male adopter)”, and (b) “his or her” for “her”.	
18.	Section 8(1)	Substitute “a qualifying adopter” for “an employed adopting mother (or sole male adopter)”.	35
19.	Section 8(2)	Substitute— (a) “a qualifying adopter” for “an employed adopting mother (or sole male adopter)”, and (b) “his or her” for “her” in both places where it occurs.	40
20.	Section 8(3)	Substitute— (a) “the qualifying adopter” for “the employed adopting mother (or sole male adopter)” in both places where it occurs, and (b) “his or her” for “her”.	45
21.	Section 8(4)	Substitute— (a) “the qualifying adopter” for “the employed adopting mother (or sole male adopter)” in both places where it occurs, and (b) “his or her” for “her” in both places where it occurs.	50
22.	Section 8(5)	Substitute “the qualifying adopter” for “the employed adopting mother (or sole male adopter)”.	

Reference No. (1)	Provision (2)	Amendment (3)	
23.	Section 8(6)	Substitute “the qualifying adopter” for “the employed adopting mother (or sole male adopter)”.	5
24.	Section 8(6)(a)	Substitute— (a) “his or her” for “her”, and (b) “he or she” for “she”.	
25.	Section 8(6)(b)	Substitute “his or her” for “her”.	10
26.	Section 8(7)	Substitute— (a) “the qualifying adopter” for “the employed adopting mother (or sole male adopter)”, and (b) “his or her” for “her”.	
27.	Section 9(1)(a)	Substitute— (a) “a qualifying adopter” for “an adopting mother”, (b) “the surviving parent” for “the adopting father”, and (c) “his or her” for “his”.	15
28.	Section 9(1)(b)(i)	Substitute— (a) “the qualifying adopter” for “the adopting mother”, and (b) “his or her” for “her”.	20
29.	Section 9(2)	Substitute “the surviving parent” for “the adopting father”.	25
30.	Section 9(2)(a)(i)	Substitute “his or her” for “his” in both places where it occurs.	
31.	Section 9(2)(a)(ii)	Substitute— (a) “the qualifying adopter” for “the adopting mother”, (b) “his or her” for “his” in both places where it occurs, and (c) “he or she” for “she”.	30
32.	Section 9(2)(b)	Substitute “his or her” for “his”.	35
33.	Section 9(2)(c)(i)	Substitute “his or her” for “his”.	
34.	Section 9(2)(c)(ii)	Substitute “his or her” for “his” in both places where it occurs.	
35.	Section 9(2)(d)	Substitute— (a) “qualifying adopter” for “adopting mother”, and (b) “his or her” for “his”.	40
36.	Section 9(3)(a)	Substitute “the qualifying adopter” for “the adopting mother”.	
37.	Section 9(3)(c)	Substitute— (a) “the qualifying adopter” for “the adopting mother”, and (b) “the surviving parent” for “the adopting father”.	45
38.	Section 9(3)(d)	Substitute— (a) “the qualifying adopter” for “the adopting mother”, and (b) “the surviving parent” for “the adopting parent”.	50
39.	Section 9(4)	Substitute— (a) “the surviving parent” for “the adopting father”, and (b) “his or her” for “his”.	
40.	Section 9(5)	Substitute—	

Reference No. (1)	Provision (2)	Amendment (3)	
		(a) “the surviving parent” for “the adopting father”, and (b) “his or her” for “his”.	5
41.	Section 10(1)(a)	Substitute— (a) “the qualifying adopter” for “the adopting mother”, (b) “surviving parent” for “adopting father”, (c) “the qualifying adopter” for “the adopting mother”, and (d) “his or her” for “his”.	10
42.	Section 10(1)(b)(i)	Substitute— (a) “the qualifying adopter” for “the adopting mother”, and (b) “his or her” for “her”.	15
43.	Section 10(2)	Substitute “a surviving parent” for “an adopting father”.	
44.	Section 10(4)	Substitute— (a) “a surviving parent” for “an adopting father”, and (b) “him or her” for “him”.	20
45.	Section 10(5)(a)	Substitute “the qualifying adopter” for “the adopting mother”.	
46.	Section 10(5)(b)	Substitute— (a) “the qualifying adopter” for “the adopting mother”, and (b) “the surviving parent” for “the adopting father”.	25
47.	Section 10(5)(c)	Substitute “the surviving parent” for “the adopting father”.	30
48.	Section 10(6)	Substitute— (a) “the surviving parent” for “the adopting father”, and (b) “his or her” for “his”.	
49.	Section 11(1)	Substitute— (a) “the qualifying adopter” for “the adopting mother”, and (b) “the surviving parent” for “the adopting father”.	35
50.	Section 11(2)	Substitute “the surviving parent” for “the adopting father”.	40
51.	Section 11(2)(a)	Substitute “his or her” for “his” in both places where it occurs.	
52.	Section 11(2)(b)	Substitute “his or her” for “his”.	
53.	Section 11(2)(c)	Substitute— (a) “qualifying adopter” for “adopting mother”, and (b) “his or her” for “his”.	45
54.	Section 11(3)	Substitute “the qualifying adopter” for “the adopting mother”.	
55.	Section 11(4)	Substitute— (a) “the surviving parent” for “the adopting father”, and (b) “his or her” for “his”.	50
56.	Section 11(5)	Substitute— (a) “the surviving parent” for “the adopting father”, and	55



Reference No. (1)	Provision (2)	Amendment (3)	
		(b) “his or her” for “his”.	
57.	Section 12(2)	Substitute “his or her” for “her” in both places where it occurs.	5
58.	Section 12(3)	Substitute— (a) “his or her” for “her” in both places where it occurs, and (b) “he or she” for “she”.	10
59.	Section 12(4)	Substitute “he or she” for “she”.	
60.	Section 13(1)	Substitute “he or she” for “she”.	
61.	Section 14	Substitute “his or her” for “her”.	
62.	Section 19(1)	Substitute “his or her” for “her” in both places where it occurs.	15
63.	Section 19(2)(a)	Substitute “him or her” for “her”.	
64.	Section 21	Substitute— (a) “his or her” for “her”, and (b) “he or she” for “she”.	
65.	Section 26	Substitute “his or her” for “her”.	20
66.	Section 29(1)	Substitute “his or her” for “her”.	
67.	Section 30(1)	Substitute “his or her” for “her”.	
68.	Section 41(1)	Substitute— (a) “he or she” for “she” in both places where it occurs, and (b) “his or her” for “her” in both places where it occurs.	25
69.	Section 41(2)	Substitute— (a) “he or she” for “she”, and (b) “his or her” for “her” in both places where it occurs.	30
70.	Section 41(3)	Substitute “his or her” for “her” in both places where it occurs.	
71.	Section 41(4)	Substitute— (a) “he or she” for “she”, and (b) “his or her” for “her” in both places where it occurs.	35

An Bille um Shaoire Theaghlaigh agus  
Forálacha Ilghnéitheacha, 2021

*athraithe ó*

An Bille um Shaoire Theaghlaigh, 2021

# BILLE

*(mar a ritheadh ag Seanad Éireann)*

*dá ngairtear*

Acht do leasú an Achta um Shaoire Uchtaíoch, 1995 chun a chumasú do lánúin, a dhéanfaidh leanbh a uchtáil i gcomhpháirt, a roghnú cén duine den lánúin a bheidh i dteideal saoire fostaíochta faoin Acht sin chun críche na huchtála; do leasú an Achta um Shaoire agus Sochar Tuismitheora, 2019 chun an tréimhse a fhadú dá mbeidh an tuismitheoir iomchuí i dteideal saoire óna fhostaíocht nó óna fostaíocht faoin Acht sin agus chun an tréimhse a fhadú ina bhféadfar saoire den sórt sin a thógáil; chun na geríoch sin, do leasú an Achta Comhdhlúite Leasa Shóisialaigh, 2005 agus achtacháin áirithe eile; do leasú an Achta fán nGníomhaireacht um Leanáí agus an Teaghlach, 2013 chun líon ghnáthchomhaltaí Bhord na Gníomhaireachta um Leanáí agus an Teaghlach a mhéadú go dtí naonúr; do leasú an Achta um Chomhairle na mBreithiúna, 2019 agus an Achta um Bord Measúnaithe Díobhálacha Pearsanta, 2003 chun socrú breise a dhéanamh i ndáil le hoibríú na dtreoirfinte maidir le díobhálacha pearsanta arna nglacadh ag Comhairle na mBreithiúna; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Ritheadh ag Seanad Éireann,*

*22 Márta, 2021*

Family Leave and Miscellaneous Provisions  
Bill 2021

*changed from*

Family Leave Bill 2021

# BILL

*(as passed by Seanad Éireann)*

*entitled*

An Act to amend the Adoptive Leave Act 1995 to enable a couple who jointly adopt a child to choose which member of the couple is to be entitled to employment leave under that Act for the purpose of the adoption; to amend the Parent's Leave and Benefit Act 2019 to extend the period to which a relevant parent is entitled to leave from his or her employment under that Act and to extend the period in which such leave may be taken; for those purposes to amend the Social Welfare Consolidation Act 2005 and certain other enactments; to amend the Child and Family Agency Act 2013 to increase the number of ordinary members of the Board of the Child and Family Agency to nine; to amend the Judicial Council Act 2019 and the Personal Injuries Assessment Board Act 2003 to make further provision in relation to the operation of personal injuries guidelines adopted by the Judicial Council; and to provide for related matters.

*Passed by Seanad Éireann,*

*22nd March, 2021*

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,

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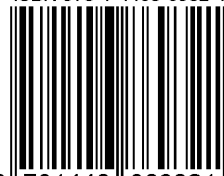
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