

1981 No. 354

LOCAL GOVERNMENT

Local Government (Payments to Councillors) Regulations
(Northern Ireland) 1981

Made 2nd November 1981

Coming into operation 1st January 1982

The Department of the Environment in exercise of the powers conferred by section 36 of the Local Government Act (Northern Ireland) 1972(a) and now vested in it(b) and of every other power enabling it in that behalf hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1981 and shall come into operation on 1st January 1982.

Interpretation

2. In these regulations—

“approved duty” means any of the following duties, that is to say—

- (a) attendance at a meeting of the council, or of any of its committees or sub-committees, or at a meeting of a joint committee or any of its sub-committees, or at a meeting of a group committee established under the provisions of the Local Government (Employment of Building Control Staff) Order (Northern Ireland) 1973(c) or the Local Government (Employment of Public Health Inspectors) Order (Northern Ireland) 1973(d);
- (b) the doing of anything approved by the council or, as the case may be, by the joint committee, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the council, or of any of its committees or sub-committees, or, as the case may be, of the joint committee or any of its sub-committees;

“attendance allowance” means a payment to a councillor in respect of the performance of any approved duty;

“committee member” means a person, not being a councillor, appointed to a committee or a sub-committee of a council or to a joint committee or a sub-committee of a joint committee under sections 18 or 19 of the Act;

“councillor” means a member of a council;

“financial loss allowance” means a payment to a councillor or committee member in respect of any loss of earnings necessarily suffered or any additional expenses (other than expenses on account of travelling or subsistence) necessarily suffered or incurred by him for the purpose of enabling him to perform any approved duty;

(a) 1972 c. 9 (N.I.) as amended by S.I. 1978/1041 (N.I. 11) Art. 9(a)

(b) S.R. & O. (N.I.) 1973 No. 504 Art. 7(1); Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1) and S.I. 1976/424 (N.I. 6)

(c) S.R. & O. (N.I.) 1973 No. 167

(d) S.R. & O. (N.I.) 1973 No. 168

“Department” means the Department of the Environment;

“the Act” means the Local Government Act (Northern Ireland) 1972;

“special responsibility allowance” means a payment to a councillor in respect of special responsibilities he may have in relation to the discharge of the functions of the council.

Revocation

3. The Local Government (Payments to Councillors) Regulations (Northern Ireland 1973(a) and the Local Government (Payments to Councillors) (Amendment) Regulations (Northern Ireland) 1981(b) are hereby revoked.

Allowances

4.—(1) A council or a joint committee, as the case may be, shall make a payment to a councillor by way of an attendance allowance of such amount as is determined by the council, or as the case may be, by the joint committee, but the allowance shall not exceed such amount as the Department may from time to time determine.

(2) The amount of any attendance allowance determined under these regulations by a council or by a joint committee shall be the same for all councillors entitled to such allowance and for every approved duty in respect of which it is payable.

(3) A council or a joint committee, as the case may be, shall make a payment to a committee member by way of a financial loss allowance, in respect of the amount of any financial loss incurred or suffered by him but the allowance shall not exceed such amount as the Department may from time to time determine.

(4) A councillor who gives notice in writing to the council of which he is a member that he wishes to receive a financial loss allowance, (hereinafter called “a financial loss allowance notice”), shall be entitled, subject to and in accordance with the following provisions of this regulation, to receive financial loss allowance instead of any payment by way of attendance allowance to which he would otherwise be entitled.

(5) A councillor who gives a financial loss allowance notice to the council, not later than the end of the period of 4 weeks from his election as a member of the council, shall be entitled to receive financial loss allowance for the performance of any approved duty since his election, whether performed before or after the giving of the notice.

(6) A councillor who has not given the council a financial loss allowance notice in accordance with paragraph (5) gives such notice not less than 3 months before the beginning of a financial year, shall be entitled to receive financial loss allowance for the performance of any approved duty not earlier than the beginning of that financial year.

(7) A financial loss allowance notice shall continue to have effect until the councillor ceases to be a member of the council or until a notice under paragraph (8) takes effect, whichever occurs first.

(8) If not less than 3 months before the beginning of the financial year a councillor who has given the council, of which he is a member, a financial loss allowance notice gives notice in writing that he withdraws that notice, he shall be entitled to receive payments by way of attendance allowance, instead of financial loss allowance, for the performance of any approved duty after the beginning of the financial year following the giving of the notice.

(9) A council may in addition to any allowance under paragraph (1) or (4) make a payment to a councillor by way of an allowance if they are satisfied that he has special

(a) S.R. & O. (N.I.) 1973 No. 443

(b) S.R. 1981.No. 108

responsibilities in relation to the discharge of the functions of a council of such amount as is determined by the council, but the allowance shall not exceed such amount as the Department may from time to time determine.

Claims for allowances

5. A councillor or a committee member entitled to an allowance under regulation 4(1), 4(3) or 4(4) shall make a claim for such allowance, in such form as the council or joint committee, as may be appropriate, may direct to the clerk of the council or as the case may be, the chief officer of the joint committee, and shall make a declaration that—

- (a) he has not and will not make any claim for allowances from any other body in respect of the approved duty to which the claim refers;
- (b) the amounts claimed are strictly in accordance with the regulations; and
- (c) he has necessarily incurred or suffered any financial loss claimed for the purpose of enabling him to perform an approved duty.

Records

6. The council, or as the case may be the joint committee, shall keep detailed records of all payments made to councillors or committee members under these regulations, indicating the amounts paid to each councillor or committee member and the heads under which they were paid, and such records shall be open to inspection at all reasonable hours by any local elector for the district or for the districts appropriate to the joint committee.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 2nd November 1981.

(L.S.)

J. F. Younger

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations consolidate the existing regulations providing for payment of attendance and financial loss allowances to councillors and committee members of district councils and provide for the payment of a special responsibility allowance to a councillor who has special responsibilities in relation to the discharge of the functions of the council.