
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 431

LOCAL GOVERNMENT

**Councillors (Travelling and Subsistence Allowances)
(Amendment) Regulations (Northern Ireland) 1997**

Made - - - - 23rd September
1997
Coming into operation 4th November 1997

The Department of the Environment in exercise of the powers conferred by Section 36 of the Local Government Act (Northern Ireland) 1972(1) and now vested in it(2) and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations which may be cited as the Councillors (Travelling and Subsistence Allowances) (Amendment) Regulations (Northern Ireland) 1997 shall come into operation on 4th November 1997 and shall have effect from 1st April 1994.

Revocation

2. Regulation 4 of the Local Government (Travelling and Subsistence Allowances) (Amendment) Regulations (Northern Ireland) 1979(3) is hereby revoked.

Rules with respect to payment of travelling allowances

3. For paragraph 6 of Schedule 1 to the Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973(4) there shall be substituted:—

“6.—(1) If a Councillor uses his private motor vehicle in preference to a public service or where a public service is not available, the rates per mile payable shall be determined by the council, or as the case may be by the joint committee, in respect of the types of vehicles specified in sub-paragraph (2), but shall not exceed such rates as the Department may determine;

(1) 1972 c. 9 (N.I.) as amended by S.I. 1978/1041 (N.I. 11) Art. 9(a)
(2) S.R. & O. (N.I.) 1973 No. 504 Art. 7(1); and S.I. 1976/424 (N.I. 6) Art. 3
(3) S.R. 1979 No. 25
(4) S.R. & O. (N.I.) 1973 No. 366 as amended by S.R. 1979 No. 25 and S.R. 1981 No. 114

- (2) The types of vehicles specified for the purposes of sub-paragraph (1) are:—
- (a) a solo motor cycle of cylinder capacity not exceeding 120cc;
 - (b) a solo motor cycle of cylinder capacity exceeding 120cc but not exceeding 150cc;
 - (c) a solo motor cycle of cylinder capacity exceeding 150cc but not exceeding 500cc;
 - (d) a solo motor cycle exceeding 500cc cylinder capacity, a motor cycle with a sidecar, or a tri-car not exceeding 500cc cylinder capacity;
 - (e) a motor car of cylinder capacity not exceeding 500cc;
 - (f) a motor car or tri-car of cylinder capacity exceeding 500cc but not exceeding 999cc;
 - (g) a motor car or tri-car of cylinder capacity exceeding 999cc but not exceeding 1199cc;
 - (h) a motor car or tri-car of cylinder capacity exceeding 1199cc.
- (3) The rates payable under sub-paragraph (1) may be increased—
- (a) where other councillors are conveyed in the same vehicle on the business of the council or, as the case may be, the joint committee by an additional rate per mile determined by the council or, as the case may be, by the joint committee but not exceeding such rate as the Department may determine for the carriage of each such additional passenger;
 - (b) by not more than the amount of any expenditure incurred on tolls, ferries or parking fees;
 - (c) in the case of an absence overnight from the usual place of residence, by not more than the rate per night which the Department may from time to time determine for garaging a motor car, a tri-car, or a motor vehicle of any other type.
- (4) For the purpose of this regulation a councillor's "private vehicle" includes a vehicle belonging to a member of his family or otherwise provided for his use."

Rules with respect to payment of subsistence allowances

4. For Schedule 2 to the Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973 there shall be substituted the Schedule to these regulations.

Sealed with the Official Seal of the Department of the Environment on

L.S.

23rd September 1997.

R. McMinnis
Assistant Secretary

SCHEDULE

Regulation 4

“SCHEDULE 2

Regulation 3(1)(b)

Rules with respect to the payment of subsistence allowances

1. Subsistence allowances shall be payable in respect of both an absence involving an absence overnight from the usual place of residence and an absence not involving an absence overnight from the usual place of residence.

2.—(1) The rates of subsistence allowance not involving an absence overnight from the usual place of residence shall be determined by the council, or as the case may be by the joint committee, in respect of the time specified in sub-paragraph (3), but shall not exceed such rates as the Department may determine.

(2) Where breakfast, lunch, tea or evening meal is taken on a train the reasonable cost of the meal (including value added tax), may be reimbursed in full, in respect of the time specified in sub-paragraph (3);

(3) The meals allowances and the time away from home specified for the purposes of sub-paragraph (1) are:—

- (a) breakfast allowance: an absence of four hours away from the normal place of residence or where the council permits, a lesser period, before 11 am;
- (b) lunch allowance: an absence of four hours away from the normal place of residence or where the council permits, a lesser period, including all of the period between 12 noon and 2 pm;
- (c) tea allowance: an absence of four hours away from the normal place of residence or where the council permits, a lesser period, including all of the period between 3 pm and 6 pm; and
- (d) evening meal allowance: an absence of four hours away from the normal place of residence or where the council permits, a lesser period, ending after 7 pm.

3. The rates of subsistence allowance for an absence overnight from the usual place of residence shall be determined by the council, or as the case may be by the joint committee, but shall not exceed such rates as the Department may determine.

4. The rates determined in respect of an absence overnight from the usual place of residence shall cover a continuous period of absence of twenty-four hours.

5. Any rate determined shall be reduced by an appropriate amount in respect of any meal provided free of charge by any body during the period to which the allowance relates.

6.—(1) For an absence from the usual place of residence overnight in London or exceptionally in any other place in the British Isles approved by the Department, the rates may be increased by a supplementary allowance of such amount as the council, or as the case may be the joint committee, decide but not exceeding such amount as the Department may determine.

(2) For the purpose of this paragraph London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The regulations amend the Local Government (Travelling and Subsistence) (No. 2) Regulations (Northern Ireland) 1973 by enabling councils to pay travelling and subsistence allowances to councillors and committee members of district councils where the payments do not exceed the amount or rates determined by the Department of the Environment.

The regulations have, by virtue of section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962, retrospective effect from 1st April 1994.