
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 85

Local Government (Payments to Councillors)
Regulations (Northern Ireland) 2012

PART 2

SCHEMES FOR COUNCILLORS' ALLOWANCES

Scheme of allowances

3.—(1) A council shall make a scheme in accordance with these Regulations for the payment of allowances to councillors and committee members in respect of each year.

(2) A scheme must specify in respect of any year to which it relates the amount of, or means to ascertain the amount of,—

- (a) basic allowance; and
- (b) special responsibility allowance and, where different amounts apply to different responsibilities, the amount or means to ascertain the amount applicable to each.

(3) The scheme shall also make provision for the following allowances if the council intends to make such payments in respect of the year—

- (a) dependants' carers' allowance; and
- (b) travel and subsistence allowances.

(4) A scheme may provide for payments of allowances to be made at such times as may be specified in it and different times may be specified for different allowances.

(5) A scheme may be amended or revoked at any time.

(6) When a scheme is revoked in accordance with this regulation, a council shall, before the revocation takes effect, make a further scheme for the period beginning with the date on which the revocation takes effect and ending at the end of the year in question.

Basic allowance

4.—(1) A council may make a payment to each councillor by way of an allowance ("basic allowance") for, or in relation to anything done in connection with, service as a councillor, including an approved duty.

(2) The amount of basic allowance shall be determined by the council.

(3) Subject to paragraph (5), the amount of basic allowance shall be the same for each councillor.

(4) Subject to paragraph (5), where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement to payment of such part of the basic allowance shall be the relevant proportionate amount of the yearly rate.

(5) For any period, in relation to any year, during which a councillor who is also—

- (a) a member of the Northern Ireland Assembly;

- (b) a member of the House of Lords;
- (c) a member of Parliament; or
- (d) a member of the European Parliament,

is entitled to receive basic allowance, by virtue of paragraphs (1) to (4), the amount of basic allowance payable to the councillor shall be reduced by two thirds.

Special responsibility allowance

5.—(1) A council may, in addition to any allowance under regulation 4, make a payment to a councillor by way of an allowance (“special responsibility allowance”), if the council is satisfied that the councillor has special responsibilities in relation to the discharge of the functions of the council.

(2) Subject to paragraph (4), the amount of the special responsibility allowance shall be determined by the council.

(3) Subject to paragraph (4), where any period, for which the councillor is entitled to a special responsibility allowance, is less than a year, the amount payable for the period shall be the relevant proportionate part of the yearly rate.

(4) For any period, in relation to any year, during which a councillor who is also—

- (a) a member of the Northern Ireland Assembly;
- (b) a member of the House of Lords;
- (c) a member of Parliament; or
- (d) a member of the European Parliament,

is entitled by virtue of paragraphs (1) to (3) to receive special responsibility allowance, the amount of special responsibility allowance payable to the councillor shall be reduced by two thirds.

(5) Subject to paragraphs (6) and (7), a special responsibility allowance may not be paid to more than fifty per cent of the councillors of the council (calculated using the total number of seats on the council and by rounding up the number of councillors to the next whole number when, in calculating the percentage, the number is not a whole number).

(6) A special responsibility allowance paid to the chairman or vice-chairman of the council is excluded from the calculation in paragraph (5).

(7) A council may, where it considers it necessary to do so, apply to the Department for permission to pay a special responsibility allowance to more than fifty per cent of its councillors.

(8) A council may not pay more than one special responsibility allowance to a councillor.

Dependants’ carers’ allowance

6.—(1) Subject to paragraphs (2) to (4), a council may, in addition to any allowance under regulations 4 and 5, make a payment to a councillor by way of an allowance (“dependants’ carers’ allowance”), in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in respect of the performance of any approved duty.

(2) The amount of dependants’ carers’ allowance shall be determined by the council.

(3) The amount of dependants’ carers’ allowance payable by the council shall be the lesser of—

- (a) the actual expenses of arranging care of their children or dependants as are necessarily incurred in respect of the performance of any approved duty; or
- (b) such amount as is determined by the council.

(4) The council shall not make any payment under this regulation —

- (a) in respect of any child over the age of fifteen years, or any dependant, unless the councillor satisfies the council that the child or dependant required supervision which incurred expenses that were necessary in respect of the care of that child or dependant in the carrying out of an approved duty;
- (b) to more than one councillor in relation to the care of the same child or dependant; or
- (c) of more than one dependants' carers' allowance to any councillor.

Travel and subsistence allowances

7.—(1) Subject to paragraph (2), a councillor or committee member shall be entitled to receive payment by way of—

- (a) travel allowance in accordance with the rules in Schedule 1; and
- (b) subsistence allowance in accordance with the rules in Schedule 2,

where expenditure on travel or on subsistence is necessarily incurred in the carrying out of an approved duty.

(2) The rate of allowance determined under paragraph (1) by a council shall be the same for all councillors or committee members entitled to the relevant allowance, and for every approved duty in respect of which it is payable.

(3) Any claim for payment of travel and subsistence allowances in accordance with these Regulations (excluding claims for travel by means of a private motor vehicle) shall be accompanied by appropriate receipts proving actual expenses, subject to any requirement or limitation that a council may determine.

(4) For the purpose of paragraph (3), a councillor or committee member's private motor vehicle includes a vehicle belonging to a family member or otherwise provided for use by the councillor or committee member.