



Parliamentary Standards Act 2009

2009 CHAPTER 13

Salaries and allowances for MPs

[^{F1}4] **MPs' salaries**

- (1) Members of the House of Commons are to receive a salary for the relevant period.
- (2) The salaries are to be paid by the IPSA.
- (3) Salaries are to be paid on a monthly basis in arrears.
- (4) The amounts of the salaries are to be determined by the IPSA (see section 4A).
- (5) “Relevant period”, in relation to a person who is a member of the House of Commons, means the period beginning with the day after the day of the poll for the parliamentary election at which the member was elected and ending with—
 - (a) if the person is a member immediately before Parliament is dissolved, the day of the poll for the parliamentary general election which follows the dissolution;
 - (b) otherwise, the day on which the person ceases to be a member.
- (6) No payment of salary is to be made to a member before the member has made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation).
- (7) The duty of the IPSA to pay a salary to a member is subject to anything done in relation to the member in the exercise of the disciplinary powers of the House of Commons.

Textual Amendments

- F1** S. 4, 4A substituted for s. 4 (24.5.2011) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 29, 52](#); [S.I. 2011/1274](#), [art. 2\(a\)](#)

Commencement Information

- II** S. 4 in force at 7.5.2010 by [S.I. 2010/1033](#), [art. 3\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009, Cross Heading: Salaries and allowances for MPs. (See end of Document for details)

4A Determination of MPs' salaries

- (1) This section is about determinations under section 4(4).
- (2) A determination may provide for higher salaries to be payable to members while holding an office or position specified for the purposes of this subsection in a resolution of the House of Commons.
- (3) A determination by virtue of subsection (2) may make different provision for different offices or positions or different classes of member (and may include exceptions).
- (4) A determination may include a formula or other mechanism for adjusting salaries from time to time.
- (5) A determination (other than the first determination) may have retrospective effect.
- (6) The IPSA must review the current determination (and make a new determination as appropriate)—
 - (a) in the first year of each Parliament;
 - (b) at any other time it considers appropriate.
- (7) In reviewing a determination (and before making the first determination) the IPSA must consult—
 - (a) the Review Body on Senior Salaries,
 - (b) persons appearing to the IPSA to represent persons likely to be affected by the determination or the review,
 - (c) the Minister for the Civil Service,
 - (d) the Treasury, and
 - (e) any other person the IPSA considers appropriate.
- (8) After making a determination, the IPSA must publish in a way it considers appropriate—
 - (a) the determination, and
 - (b) a statement of how it arrived at the determination.
- (9) If the IPSA reviews the current determination but decides not to make a new determination, it must publish in a way it considers appropriate a statement of how it arrived at that decision.
- (10) The IPSA may delegate to the Review Body on Senior Salaries its function of reviewing a determination (but not its function of deciding whether or not to make a new determination).]

Textual Amendments

- F1** S. 4, 4A substituted for s. 4 (24.5.2011) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 29, 52](#); [S.I. 2011/1274](#), art. 2(a)

5 MPs' allowances scheme

- (1) The IPSA is to pay allowances to members of the House of Commons in accordance with the MPs' allowances scheme.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009, Cross Heading: Salaries and allowances for MPs. (See end of Document for details)

- (2) In this Act “the MPs' allowances scheme” means the scheme prepared under this section as it is in effect for the time being.
- (3) The IPSA must—
 - (a) prepare the scheme;
 - (b) review the scheme regularly and revise it as appropriate.
- (4) In preparing or revising the scheme, the IPSA must consult—
 - (a) the Speaker of the House of Commons,
 - (b) the Committee on Standards in Public Life,
 - (c) the Leader of the House of Commons,
 - (d) any committee of the House of Commons nominated by the Speaker,
 - (e) members of the House of Commons,
 - (f) the Review Body on Senior Salaries,
 - (g) Her Majesty's Revenue and Customs,
 - (h) the Treasury, and
 - (i) any other person the IPSA considers appropriate.
- (5) The Speaker must lay the scheme (or revision) before the House of Commons.
- [^{F2}(5A) When the scheme (or revision) is laid, the IPSA must publish in a way it considers appropriate—
 - (a) the scheme (or revision), and
 - (b) a statement of its reasons for adopting that scheme (or making that revision).]
 - (6) The scheme (or revision) comes into effect on the date specified in the scheme (or revision).
 - (7) The scheme may, for example—
 - (a) provide for allowances to be payable in respect of specified kinds of expenditure or in specified circumstances;
 - (b) provide for allowances to be payable only on specified conditions (such as a condition that claims for allowances must be supported by documentary evidence);
 - (c) impose limits on the amounts that may be paid.
 - (8) The scheme may provide for allowances to be payable in connection with a person's ceasing to be a member of the House of Commons; [^{F3}and in relation to any such allowances, references in this Act to a member of the House of Commons include a former member of that House.]
 - [^{F4}(8A) Any duty of the IPSA to pay an allowance to a member is subject to anything done in relation to the member in the exercise of the disciplinary powers of the House of Commons.]
 - (9) This section does not affect the provision of pensions for or in respect of persons with service as a member of the House of Commons (see [^{F5}Schedule 6 to the Constitutional Reform and Governance Act 2010]).
 - (10) In section 3A(1) of the European Parliament (Pay and Pensions) Act 1979 (c. 50) (power to make order aligning MEPs' resettlement grants with MPs' resettlement grants), after “resolutions of the House of Commons” insert “ , or a scheme under section 5 of the Parliamentary Standards Act 2009, ”.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009, Cross Heading: Salaries and allowances for MPs. (See end of Document for details)

Textual Amendments

- F2** S. 5(5A) inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), **ss. 28(3)**, 52; [S.I. 2010/1277](#), art. 3(b)
- F3** Words in s. 5(8) substituted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, **Sch. 5 para. 3**; [S.I. 2010/1277](#), art. 3(i)(ii)
- F4** S. 5(8A) inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), **ss. 30**, 52; [S.I. 2010/1277](#), art. 3(c)
- F5** Words in s. 5(9) substituted (24.10.2011) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, **Sch. 6 para. 47(1)**; [S.I. 2011/2485](#), art. 2(1)(2)(c)(iii)

Commencement Information

- I2** S. 5 in force at 29.3.2010 by [S.I. 2010/1033](#), **art. 2(a)**

6 Dealing with claims under the scheme

- (1) No allowance is to be paid to a member of the House of Commons under the MPs' allowances scheme unless a claim for the allowance has been made to the IPSA.
- (2) The claim must be made by the member (except where the scheme provides otherwise).
- (3) On receipt of a claim, the IPSA must—
 - (a) determine whether to allow or refuse the claim, and
 - (b) if it is allowed, determine how much of the amount claimed is to be allowed and pay it accordingly.
- ^{F6}(4)
- ^{F6}(5)
- (6) The MPs' allowances scheme may include—
 - (a) further provision about how claims are to be dealt with;
 - ^{F7}(b) provision for deducting amounts within subsection (6A) from allowances payable under the scheme or salaries payable under section 4;
 - (c) provision about how such deductions, and deductions under paragraph 5 or 12 of Schedule 4, are to be made.]
- ^{F8}(6A) This subsection applies to amounts which a member (under section 9(8) or otherwise) has agreed to repay, in respect of amounts paid to the member under the MPs' allowances scheme that should not have been allowed.]
- (7) The scheme may provide for an allowance to which a member is entitled under the scheme to be paid to another person at the member's direction; and references in this Act to the payment of an allowance to a member are to be read accordingly.
- ^{F9}(8) The IPSA must publish such information as it considers appropriate in respect of—
 - (a) each claim made under or by virtue of this section, and
 - (b) each payment of an allowance by the IPSA under or by virtue of this section.
- (9) The IPSA must publish the information at times it considers appropriate and in a way it considers appropriate.

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- (10) The IPSA must determine procedures to be followed by the IPSA in relation to publication of the information, and in doing so must consult—
- (a) the Speaker of the House of Commons,
 - (b) the Leader of the House of Commons,
 - (c) the House of Commons Committee on Standards and Privileges,
 - (d) the Compliance Officer, and
 - (e) any other person the IPSA considers appropriate.]

Textual Amendments

- F6** S. 6(4)(5) omitted (27.7.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 31\(2\)](#), 52; [S.I. 2010/1931](#), [art. 3\(b\)](#)
- F7** S. 6(6)(b)(c) substituted for s. 6(6)(b) (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 31\(3\)](#), 52; [S.I. 2010/1931](#), [art. 3\(b\)](#)
- F8** S. 6(6A) inserted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 31\(4\)](#), 52; [S.I. 2010/1931](#), [art. 3\(b\)](#)
- F9** S. 6(8)-(10) inserted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 28\(4\)](#), 52; [S.I. 2010/1931](#), [art. 3\(a\)](#) (with arts. 4, 5)

Commencement Information

- I3** S. 6 in force at 29.3.2010 by [S.I. 2010/1033](#), [art. 2\(b\)](#)

[^{F10}6A Review of IPSA's determination

- (1) This section applies if—
- (a) the IPSA determines under section 6(3) that a claim is to be refused or that only part of the amount claimed is to be allowed, and
 - (b) the member (after asking the IPSA to reconsider the determination and giving it a reasonable opportunity to do so) asks the Compliance Officer to review the determination (or any altered determination resulting from the IPSA's reconsideration).
- (2) The Compliance Officer must—
- (a) consider whether the determination (or the altered determination) is the determination that should have been made, and
 - (b) in light of that consideration, decide whether or not to confirm or alter it.
- (3) The Compliance Officer must give the IPSA a statement of any decision under subsection (2)(b), and may include a statement of the Compliance Officer's findings about the way in which the IPSA has dealt with the claim.
- (4) The IPSA must make any payments or adjustments necessary to give effect to the Compliance Officer's decision; but it must not do so until—
- (a) it is no longer possible for there to be a relevant appeal, and
 - (b) all relevant appeals have been withdrawn or determined.
- (5) A relevant appeal is—
- (a) an appeal under subsection (6) brought before the end of the period mentioned in subsection (7), or
 - (b) a further appeal in relation to the Compliance Officer's decision which—

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- (i) is brought before the end of the usual period for bringing such an appeal, and
 - (ii) is an appeal against the determination of an appeal which was itself a relevant appeal.
- (6) The member may appeal to the First-tier Tribunal against a decision of the Compliance Officer under subsection (2)(b).
- (7) The appeal must be brought before the end of the period of 28 days beginning with the day on which notice of the decision is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).
- (8) The appeal is by way of a rehearing.
- (9) On an appeal under subsection (6) the Tribunal may—
- (a) allow the appeal in whole or in part, or
 - (b) dismiss the appeal.
- (10) If the Tribunal allows the appeal (in whole or in part) it may—
- (a) order the IPSA to make any payments or adjustments necessary to give effect to that decision;
 - (b) make any other order it thinks fit.
- (11) If the Tribunal dismisses the appeal it may make any other order it thinks fit.
- (12) The Compliance Officer must notify the IPSA of the Tribunal's decision (and the result of any further appeal).]

Textual Amendments

F10 S. 6A inserted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 31\(5\)](#), 52; [S.I. 2010/1931](#), [art. 3\(b\)](#)

7 Information and guidance ^{F11}...

[^{F12}(A1) The IPSA must—

- (a) prepare guidance for members of the House of Commons about making claims under the MPs' allowances scheme;
 - (b) review the guidance regularly and revise it as appropriate;
 - (c) publish the guidance in a way the IPSA considers appropriate;
 - (d) provide to any member on request such further advice about making claims as the IPSA considers appropriate.]
- (1) The IPSA must provide to members of the House of Commons—
- (a) details of any general information or guidance about taxation issues published by HMRC that it considers they should be aware of, and
 - (b) any other general information or guidance about taxation issues that it considers appropriate (consulting HMRC for this purpose as it considers appropriate).
- (2) “Taxation issues” means—
- (a) issues about the taxation of salaries payable under section 4 and allowances payable under the MPs' allowances scheme, and

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- (b) any other issues about taxation arising in connection with those salaries and allowances.
- (3) “HMRC” means Her Majesty's Revenue and Customs.

Textual Amendments

- F11** Words in heading omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 31\(6\)\(b\)](#), 52; [S.I. 2010/1277](#), art. 3(d)
- F12** S. 7(A1) inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 31\(6\)\(a\)](#), 52; [S.I. 2010/1277](#), art. 3(d)

Commencement Information

- I4** S. 7 in force at 7.5.2010 by [S.I. 2010/1278](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Parliamentary Standards Act 2009,
Cross Heading: Salaries and allowances for MPs.