



2011 CHAPTER 17

PART 1

THE INDEPENDENT FINANCIAL REVIEW PANEL

*Determinations*

**Exercise of functions**

**11.**—(1) Subject to subsection (3), the Panel shall make the determinations referred to in section 2(1) only once in respect of each Assembly.

(2) Subject to subsection (3), the Panel shall not make the determinations referred to in section 2(1) in respect of an Assembly if the date of the poll for the election of that Assembly—

- (a) was directed under section 32(4) of the 1998 Act; and
- (b) occurs within one year of the date of the poll for the election of the immediately preceding Assembly.

(3) If at any time the Panel is of the opinion that it is reasonable and appropriate—

- (a) for a determination relating to pensions to be made, the Panel may make such a determination;
- (b) that due to exceptional circumstances the restriction in subsection (1) or (2) should not apply, the Panel may make determinations—
  - (i) more than once in respect of each Assembly,
  - (ii) in respect of such an Assembly as is described in subsection (2),

as the case may be.

(4) Subject to subsection (6), the Panel shall, so far as reasonably practicable, make the determinations referred to in section 2(1) before the date of the poll for the election of the Assembly in respect of which the determination is made.

(5) The Panel shall, as soon as reasonably practicable after its establishment, make the determinations referred to in section 2(1) in respect of the Assembly existing at that time.

(6) Any determination made under section 2(1) shall have the effect (whether or not expressly so provided) of revoking any determination or provision—

(a) made under section 47 or 48 of the 1998 Act before the coming into operation of this Part; and

(b) relating to the same subject-matter as the determination made under section 2(1).

(7) Every determination made by the Panel shall state the date from which it is to have effect (which may be a date before the date of the determination) and shall continue in effect until revoked by a subsequent determination relating to the same subject-matter.

(8) For the purposes of subsection (3)(b), the occurrence of an election for which the poll is directed under section 32(4) of the 1998 Act does not in itself give rise to exceptional circumstances.

(9) If the Panel forms such an opinion as is referred to in subsection (3), it shall—

(a) state in writing its reasons for having done so, and

(b) communicate that statement to the Commission,

at the same time as it communicates to the Commission the determination to which the statement relates.

(10) The Commission shall publish any statement made under subsection (9) as if it were a determination.

### **Contents of determinations: salaries and allowances**

**12.—**(1) This section applies to any determination made under section 2(1) (a).

(2) A determination to which this section applies may make different provision for different cases (for example, provision for higher salaries to be payable to Ministers or other office holders).

(3) A determination to which this section applies shall ensure that, if a salary is payable to a member of the Assembly (“M”) as a member of either House of Parliament or as a member of the European Parliament—

(a) if M does not hold an office within subsection (6), no salary is payable to M under section 47 of the 1998 Act;

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*Status: This is the original version (as it was originally enacted).*

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- (b) if M holds an office within subsection (6), the salary which would otherwise be payable to M under section 47 of the 1998 Act is reduced by the appropriate amount.
- (4) For the purposes of subsection (3), the appropriate amount is the amount of the salary payable under section 47 of the 1998 Act to members of the Assembly generally.
- (5) For the purposes of this section—
- (a) a person's membership of the Assembly begins on the day on which the person takes his or her seat in accordance with standing orders; and
  - (b) a person's holding of an office within subsection (6) begins on the day on which the person takes up office.
- (6) An office is within this subsection if the salary payable under section 47 of the 1998 Act to a member of the Assembly holding the office is higher than the salary payable under that section to members of the Assembly generally.
- (7) For the purposes of this section, a person who is a member of the Assembly immediately before the Assembly is dissolved shall be treated—
- (a) if the person continues to hold office as a Minister or junior Minister, as Presiding Officer or deputy or as a member of the Commission, as if the person were a member of the Assembly until the end of the day on which he or she ceases to hold the office; and
  - (b) if the person does not fall within paragraph (a) but is nominated as a candidate at the subsequent general election, as if the person were a member of the Assembly until the end of the day of the poll for that election.
- (8) In this section—
- “deputy”, in relation to the Presiding Officer, means any deputy Presiding Officer elected under section 39 of the 1998 Act;
  - “junior Minister” means a person appointed as a junior Minister under section 19 of the 1998 Act;
  - “Minister” has the meaning given by section 7(3) of the 1998 Act.

### **Contents of determinations: pensions, gratuities and allowances**

- 13.—**(1) This section applies to any determination made under section 2(1) (b).
- (2) A determination to which this section applies may include provision for—
- (a) contributions or payments towards provision for pensions, gratuities or allowances;
  - (b) the establishment and administration (whether by the Commission or otherwise) of one or more pension schemes.

(3) Where any salary payable to a person under section 47 of the 1998 Act is not payable because of either or both of sections 47A and 47B of that Act, any provision made under this section for the payment of pensions which has effect in relation to that person shall apply as if the salary were payable.

**Availability of determinations**

**14.—**(1) Every determination made by the Panel under this Part shall be in writing.

(2) As soon as reasonably practicable after any determination has been made—

- (a) the Panel shall communicate the determination to the Commission; and
- (b) the Commission shall publish the determination in full.