

# NORTHERN IRELAND

## ASSEMBLY MEMBERS ACT 2010

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### EXPLANATORY NOTES

#### 12 COMMENTARY ON SECTIONS

##### *Section 1: Salaries and allowances*

13. *Section 1* amends section 47 of the Northern Ireland Act 1998 (“the 1998 Act”). Section 47(1) of the 1998 Act provides that the Assembly shall pay such salaries “as the Assembly may from time to time determine”. Subsection (2) makes similar provision (although with a permissive rather than a directory provision) in relation to members’ allowances. Subsection (6) provides that a determination “may provide for salaries or allowances to change from time to time by reference to other amounts or specified formulas”. Subsection (7) provides that “the Assembly may not delegate the function of making a determination under this section”.
14. *Subsection (2)* of *section 1* amends subsections (1) and (2) of section 47 so that it is not necessarily the Assembly that determines salaries and allowances. *Subsection (3)* inserts new subsections (2A) and (2B). New subsection (2A) states that the Assembly may determine the salaries or allowances payable to members or the Assembly may make provision for them to be determined by another person. New subsection (2B) makes clear that different salaries may be set for different jobs. *Subsection (12)* inserts a new subsection (10A), which sets out that a provision may be by means of a resolution of the Assembly (which may confer functions on the Northern Ireland Assembly Commission) or by means of an Act of the Assembly (which may establish an office or body and confer functions on an office-holder or body).
15. *Subsection (4)* removes subsections (3), (5) and (6) of section 47 (which are superseded by the new approach).
16. *Subsection (5)* replaces subsection (4) of section 47 to ensure that if a salary is payable to a member of the Assembly as a member of either House of Parliament or the European Parliament, he/she will not receive a salary as a member of the Assembly. This does not affect any part of the salary payable to a member of the Assembly which is attributable to the person being a minister or other office-holder.
17. *Subsection (6)* removes subsection (7) of section 47, which prevents the delegation of determining salaries and allowances. *Subsections (7) and (8)* ensure that all determinations of salaries and allowances are published, whether made by the Assembly or another person. *Subsections (9), (10) and (11)* are consequential on the removal of section 47(3) of the 1998 Act by *subsection (4)*. The amendment made by *subsection (13)* is to take account of the fact that determinations may in future be made by persons other than the Assembly. *Subsection (14)* makes clear that any determination about salaries or allowances which is in force before *section 1* is commenced will continue to have effect afterwards. Any such determination will be treated as including provision for a member of the Assembly who receives a salary as a member of either House of Parliament or a member of the European Parliament not to receive a salary

*These notes refer to the Northern Ireland Assembly Members  
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as a member of the Assembly. This will not affect any part of the salary payable to a member of the Assembly which is attributable to the person being a minister or other office-holder.

***Section 2: Pensions etc.***

18. This section makes minor consequential amendments to section 48 of the 1998 Act. Section 48 deals with pensions, allowances and gratuities for persons who cease to be members of the Assembly, or who cease to hold certain offices but continue as members of the Assembly.
19. *Subsections (2) and (3)* are consequential on the removal of section 47(3) of the 1998 Act by *section 1(4)* of the Act. They replace a reference to an office mentioned in section 47(3)(a) with a reference to an office in respect of which a higher salary is payable.
20. *Subsection (4)* amends the definition of “provision” in section 48(3) to make clear that an Act of the Assembly under section 48 may establish an office or body and confer functions on an office-holder or body. This makes it clear that the Assembly’s powers under section 48 are the same as its powers under section 47(10A), inserted by *section 1(12)* of the Act.

***Section 3: Short title and commencement***

21. The short title of the Act is the Northern Ireland Assembly Members Act 2010.