



Northern Ireland
Assembly

The Northern Ireland Assembly

(Members' Expenditure) Determination 2010

The Northern Ireland Assembly (Members' Expenditure) Determination 2010

The Northern Ireland Assembly in exercise of the powers conferred on it under sections 47(2) and 48(1) of the Northern Ireland Act 1998 makes the following determination:

Citation and commencement

1. This determination may be cited as the Northern Ireland Assembly (Members' Expenditure) Determination 2010 and shall have effect from the relevant date.

Interpretation and effect

2. (1) The Interpretation Act (Northern Ireland) 1954 shall apply to this determination as it applies to an Act of the Northern Ireland Assembly.

- (2) In this determination:

"aircraft" means any aircraft used for carrying passengers on predetermined routes at separate fares;

"bus" means any motor vehicle used for carrying passengers on predetermined routes at separate fares;

"Commission" means the Northern Ireland Assembly Commission;

"connected person" in relation to a member means:

a family member or

a person with whom the member is "connected" within the meaning of section 252(2)(b), (c), (d) and (e) and section 254 of the Companies Act 2006;

"employee" in relation to a member means any person who is employed by the member to provide research, secretarial, clerical or administrative assistance to the member in connection with the member's Assembly duties;

"family member" in relation to a member means

:

a spouse, civil partner or cohabiting partner of the member or

a parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew or niece of the member or of his spouse, civil partner or cohabiting partner;

"Greater London area" means the City of London and the 32 London boroughs surrounding the City of London;

"hire car" means any motor vehicle, other than a private motor vehicle, leased or hired by a member for the purpose of one or more particular journeys;

“member” means a member of the Assembly;

“motor vehicle” includes a motor cycle;

“pedal cycle” means a unicycle, bicycle, tricycle, or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle;

“private” in relation to a motor vehicle used by a member for a journey means owned by the member or a member of his family and for this purpose a vehicle is owned by a person where it is leased or hired by that person under a hire purchase or similar agreement;

“the Act” means the Northern Ireland Act 1998;

“vessel” means any vessel, including a hovercraft, used for carrying passengers on predetermined routes at separate fares; and

“year,” except in relation to a complete year of a members’ service, means a period of 12 months starting on 1 April.

- (3) In this determination, “the relevant date” is the date on which the Allowances to Members of the Assembly Act (Northern Ireland) 2000 is repealed.
- (4) For the purposes of this determination, “Assembly duties” in relation to any member means the undertaking of any task or function which he may reasonably be expected to carry out in his capacity as a member including:
 - (a) attending a sitting of the Assembly;
 - (b) attending a meeting of a committee or sub-committee of the Assembly of which he is a member or which he is required to attend by virtue of the fact that he has responsibility for a Bill or other matter under consideration by the committee or sub-committee or for any other valid reason relating only to the business of the committee or sub-committee;
 - (c) undertaking research or administrative functions which relate directly to the business of the Assembly;
 - (d) establishing and maintaining a constituency office or offices;
 - (e) providing an advice service to constituents;
 - (f) attending meetings for the purpose of representing electors in Northern Ireland including meetings with a constituent or constituents;
 - (g) attending, with the approval of the Commission, any ceremony or official function or national or international conference as a representative of the Assembly but not including attendance that relates wholly or mainly to that member’s role as a party spokesperson or representative.
- (5) In this determination, other expressions which are also used in the Act shall have the same meaning as in the Act.

Revocation

3. The Northern Ireland Assembly (Members’ Allowances) Determination 2000 is revoked.

Compliance

4. (1) The recovery of expenditure under this determination shall be subject to a member complying with the requirements of such guidance or directions as may be issued from time to time by the Commission.
- (2) Subject to sub-paragraph (1), the Commission shall pay to any person the recoverable expenditure or amounts payable under this determination.

Members' travel expenditure

5. (1) Subject to sub-paragraph (3), a member shall be entitled to recover the expenditure referred to in sub-paragraph (2) in respect of travel by the member which has been necessarily undertaken by him in carrying out his Assembly duties.
- (2) The recoverable expenditure is:
 - (a) where a member has travelled by rail, bus, aircraft, or any vessel, the cost of the fare of each journey;
 - (b) where a member has travelled by private motor vehicle prior to 1 April 2011, 40 pence for the first 20,000 miles travelled in any year and 25 pence per mile thereafter;
 - (c) where a member has travelled by private motor vehicle on or after 1 April 2011, 40 pence for the first 10,000 miles travelled in any year and 25 pence per mile thereafter;
 - (d) where a member has travelled by hire car, 40 pence for every mile travelled;
 - (e) where a member has travelled by taxi, the cost of the fare of each journey;
 - (f) where a member has travelled by pedal cycle, 20 pence for every mile travelled.
- (3) Members shall only be entitled to recover expenditure under sub-paragraph (2)(d) or (e) in respect of any journey where the use of a hire car or taxi is necessary for reasons of urgency or because it is not practicable to use any means of transport referred to in sub-paragraph (2)(a).

Subsistence expenditure

6. (1) Subject to sub-paragraph (4), where a member is entitled to recover expenditure under paragraph 5 and the travel has necessarily involved an overnight stay at a place away from the member's normal place of residence, the member shall be entitled to recover the expenditure referred to in sub-paragraph (2) or (3).
- (2) In relation to an overnight stay within the United Kingdom, the recoverable expenditure is:

- (a) the sum of £18.30 towards the cost of meals and other living expenses for each night of the stay;
 - (b) the cost of overnight accommodation on a bed and breakfast basis in a hotel or similar accommodation, up to a maximum of £175 per night in the Greater London area and a maximum of £130 per night in any other part of the United Kingdom.
- (3) In relation to an overnight stay outside the United Kingdom, the recoverable expenditure is:
 - (a) the sum of £18.30 towards the cost of meals and other living expenses for each night of the stay;
 - (b) the cost of overnight accommodation on a bed and breakfast basis in a hotel or similar accommodation, up to a maximum of £300 per night.
- (4) A member is not entitled to recover expenditure under this paragraph in connection with duties within his constituency.

Office costs expenditure

- 7. (1) Subject to sub-paragraphs (2) to (5), a member shall be entitled to recover the expenditure which he incurs in any year in respect of secretarial, clerical or administrative assistance (including the provision of any equipment, facilities or services associated therewith) required by the member in connection with the carrying out of his Assembly duties.
- (2) The maximum amount which a member is entitled to recover in any year under sub-paragraph (1) is £75,857.04.
- (3) If a member is in receipt, under any scheme prepared by the Independent Parliamentary Standards Authority, of payments or allowances in connection with carrying out his duties as a Member of the House of Commons, the maximum amount which he is entitled to recover in any year under sub-paragraph (1) is reduced by 50% from the date of the next poll for the election of the Assembly after the coming into effect of this determination.
- (4) A member shall not be entitled to recover expenditure under sub-paragraph (1) in respect of the employment of, or the provision otherwise of secretarial, clerical or administrative assistance by, more than one family member at any given time, except in respect of any family member who is employed by the member or otherwise providing secretarial, clerical or administrative assistance to the member on the relevant date and who does not thereafter cease to be employed by the member or otherwise cease to provide such assistance.
- (5) A member shall not be entitled to recover office costs expenditure in respect of the rental of a property owned or leased by the member or a connected person.

Disability expenditure

8. (1) Subject to sub-paragraph (2), a member shall be entitled to recover any additional expenditure which he incurs in carrying out his Assembly duties where the additional expenditure is wholly or mainly attributable to any disability which the member has.
- (2) The maximum amount of additional expenditure which the member can recover under sub-paragraph (1) is £10,000 in any year plus the cost of paying national insurance for an employee where that employment is additional expenditure wholly or mainly attributable to a disability which the member has.
- (3) In this paragraph, "disability" has the same meaning as in the Disability Discrimination Act 1995.

Recall expenditure

9. A member shall be entitled to recover any expenditure incurred by him which is wholly and necessarily attributable to his attendance at the Assembly during any recall which takes place during a recess.

Employees' travel expenditure

10. (1) Subject to sub-paragraphs (3), (4) and (5), a member shall be entitled to recover the expenditure referred to in sub-paragraph (2) which is wholly and necessarily incurred by him in meeting the expenses of any of his employees in travelling by rail, bus, private motor vehicle, hire car, taxi or pedal cycle to or from Parliament Buildings in Belfast in connection with that employee's employment by the member.
- (2) The recoverable expenditure is:
- (a) in the case of journeys by rail or bus, the cost of the fare of each journey;
 - (b) in the case of journeys by private motor vehicle, 40 pence for every mile travelled;
 - (c) in the case of journeys by hire car, 40 pence for every mile travelled;
 - (d) in the case of journeys by taxi, the cost of the fare of each journey;
 - (e) in the case of journeys by pedal cycle, 20 pence for every mile travelled.
- (3) A member shall not be entitled to recover expenditure in respect of more than an aggregate of 18 single journeys in any year by all of his employees.
- (4) In any year a member shall not be entitled to recover expenditure under sub-paragraph (1) in respect of more than one employee who is a family member except in respect of a family member who is employed by the member on the relevant date and does not thereafter cease to be employed by the member or otherwise cease to provide secretarial, clerical or administrative assistance.
- (5) A member shall only be entitled to recover expenditure under sub-paragraph (2)(c) or (d) in respect of any journey where the use of a hire car or taxi is

necessary for reasons of urgency or because it is not practicable to use any means of transport referred to in sub-paragraph (2)(a), (b) or (e).

Staff pensions and redundancy expenditure

11. (1) In addition to any expenditure recoverable under paragraph 7, and subject to sub-paragraphs (2), (3) and (4), a member shall be entitled to recover the expenditure incurred by him in making:
- (a) a contribution towards the pension of any employee; or
 - (b) redundancy payments to any such employee.
- (2) In each year the amount recoverable under sub-paragraph (1)(a) shall be whichever is the less of:
- (a) 10 per cent of salary or fee payments subject to an overall limit of 10 per cent of the actual allowance paid to that member in the year under paragraph 7; or
 - (b) the actual cost to the member of making the contribution concerned.
- (3) In each year the amount recoverable under sub-paragraph (1)(b) shall be the actual cost to the member of meeting statutory redundancy payments.
- (4) In each year a member shall not be entitled to recover expenditure under sub-paragraph (1) in respect of more than one employee who is a family member, except in respect of a family member who is employed by the member on the relevant date and does not thereafter cease to be employed by the member or otherwise cease to provide secretarial, clerical or administrative assistance.
- (5) In this paragraph, "statutory redundancy payments" in relation to any member means the redundancy payments which the member, as an employer, is required to make to his employee under a statutory provision for the time being in force in Northern Ireland.

Temporary secretarial expenditure

12. (1) Subject to sub-paragraph (2), a member shall be entitled to recover additional expenditure which he has incurred in temporarily engaging a person to replace a permanent employee where:
- (a) the permanent employee is absent from work for a continuous period of at least two weeks by reason of illness, maternity leave, paternity leave or adoption leave;
 - (b) that employee continues during that period to be paid a salary recoverable wholly or mainly under paragraph 7; and
 - (c) that employee has a written contract of employment with the member specifying the periods of paid illness leave, paid maternity leave, paternity leave or adoption leave or has a statutory entitlement to such leave.

- (2) In each year a member shall not be entitled to recover expenditure under sub-paragraph (1) in respect of the replacement of more than one permanent employee who is a family member, except in respect of a family member who is employed by the member on the relevant date and does not thereafter cease to be employed by the member or otherwise cease to provide secretarial, clerical or administrative assistance.

Childcare expenditure

13. (1) Subject to sub-paragraph (3), a member shall be entitled to recover the expenditure referred to in sub-paragraph (2) in respect of childcare expenditure which the member has incurred.
- (2) The recoverable expenditure is:
- (a) Until the child reaches 5 years of age or starts school, whichever is the earlier, £36 per week;
- (b) Thereafter and until the child reaches the age of 14, £18 per week.
- (3) A member shall only be entitled to recover the amount specified in sub-paragraph (2) if the member's actual childcare expenditure in respect of each child is equal to or greater than that amount.

Resettlement payment

14. (1) Any person who is a member immediately before its dissolution and at the election consequent upon that dissolution either does not stand for election to the Assembly, or if he does, is not returned as a member, shall be entitled to receive a payment under this paragraph.
- (2) The amount payable shall be equal to the relevant percentage of that person's salary as a member immediately before the dissolution.
- (3) In this paragraph:
- “salary as a member” has the same meaning as in the Assembly Members' Pension Scheme (Northern Ireland) 2008;
- “the relevant percentage”, in relation to a person, is that shown in the Schedule in relation to:
- (a) the person's age at the dissolution; and
- (b) the number of complete years of his service as a member at the dissolution.
- (4) In determining a person's length of service as a member:
- (a) any period of service on or after 25th June 1998 shall be taken into account; but
- (b) any period which was taken into account (or disregarded) in calculating the amount of allowance previously payable to him under this paragraph, paragraph 15 or under section 1 or section 2 of the Allowances to Members of the Assembly Act (Northern Ireland) 2000 shall be disregarded.

Ill-health retirement payment

- 15.** (1) Any person who ceases to be a member by resigning his seat on grounds of ill-health before attaining the age of 65 may apply to the Commission for a payment under this paragraph.
- (2) If on an application under sub-paragraph (1) the Commission is satisfied that:
- (a) the applicant does not intend to seek re-election to the Assembly;
 - (b) his ceasing to be a member was a direct consequence of his ill-health;
 - (c) his ill-health is such as would prevent him from performing adequately the duties of a member; and
 - (d) he is not entitled to receive a payment under paragraph 14,

the applicant shall be entitled to receive a payment under this paragraph equal to the amount which would have been payable under paragraph 14, had that paragraph been applicable to him on his ceasing to be a member.

- (3) Every application under sub-paragraph (1) shall be accompanied by evidence from a medical practitioner of the applicant's state of health.
- (4) In the case of any such application the Commission may require the applicant to undergo a medical examination by a medical practitioner nominated by it for the purpose; and the fees for any such examination shall be borne by the Commission or the applicant, as the Commission may determine.

Winding up Expenditure

- 16.** (1) Expenditure shall be recoverable under this paragraph in respect of a person who ceases (whether on death or otherwise) to be a member.
- (2) Subject to sub-paragraphs (3) to (5), the amount recoverable under this paragraph by, or in respect of, a person shall be equal to the actual expenditure which has been wholly and necessarily incurred by him after the date on which he ceased to be a member but in connection with the performance of his Assembly duties.
- (3) The amount recoverable under this paragraph by, or in respect of, a person shall not exceed one third of the maximum amount recoverable in any year by virtue of paragraph 7(2).
- (4) From the date of the next poll for the election of the Assembly after the coming into effect of this determination, if the person is, immediately before he ceases to be a member, in receipt under any scheme prepared by the Independent Parliamentary Standards Authority, of payments or allowances in connection with carrying out his duties as a Member of the House of Commons, the amount recoverable shall not exceed one third of the maximum amount recoverable in any year by virtue of paragraph 7(3).

- (5) A payment under this section in respect of a member who has died shall be payable to such person as the Commission may determine.

Annual Up-rating

17. (1) For the year starting 1 April 2011 and for each subsequent year, the amounts payable under paragraphs 7 and 13 shall be increased by the relevant percentage, if any.
- (2) The relevant percentage is the percentage increase in the Retail Prices Index in any year.
- (3) The Retail Prices Index means the general index of retail prices, for all items, published by the Office for National Statistics.

