

Assembly Members (Salaries and Expenses) (Present period when there is no Executive) Determination (Northern Ireland) 2018

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Section 1 of the Northern Ireland Assembly Members (Pay) Act 2018 confers on the Secretary of State the function of making determinations, as to –

- (a) the salaries and allowances payable under section 47 of the Northern Ireland Act 1998 during a period when there is no Executive, and
- (b) the allowances and gratuities payable under section 48 of the Northern Ireland Act 1998 during a period when there is no Executive.

In exercise of this power, the Secretary of State makes the following Determination.

Purpose

1. The purpose of this Determination is to determine the salaries, allowances and gratuities payable to, or in respect of, members, during the present period when there is no Executive.

Application of this Determination and the 2016 Determination

2. The 2016 Determination continues to apply, but with the amendments set out in this Determination.

Salary during present period when there is no Executive

3. The 2016 Determination is amended by inserting the following paragraph after paragraph 1 –

“Salary during present period when there is no Executive

1A. (1) This paragraph applies during the present period when there is no Executive.

(2) A member is entitled to the annual salary as set out in Table 1A, in respect of the periods referred to in that Table, not the annual salary as set out in Table 1.

(3) Salaries are to be paid in accordance with the procedure set out in paragraph 1(2).

(4) Where a member is in a role listed in Table 1A for only part of the year, the salary is to be reduced accordingly.

(5) Where a member falls within more than one role listed in Table 1A, the member is only to be paid the salary of the highest paid category.

TABLE 1A – MEMBER’S ANNUAL SALARY DURING PRESENT PERIOD
WHEN THERE IS NO EXECUTIVE

Role	Annual Salary Period 1	Annual salary Period 2
Member	£42,075	£35,888
Member of the Commission	£46,875	£40,688
Speaker	£62,035	£55,848
Principal Deputy Speaker or Deputy Speaker	£43,575	£37,388

(6) In Table 1A –

“Period 1” means the period commencing on 1 November 2018 and ending on 31 December 2018, and

“Period 2” means the period commencing on 1 January 2019 and ending on the next occasion when all the Ministerial offices are filled.

(7) Sub-paragraph (8) applies where a person is not a member of the Assembly but, by virtue of a provision of the Northern Ireland Act 1998, still holds an office for which a salary is payable under Table 1A (for example because that person did not stand for re-election following dissolution of the Assembly).

(8) That person’s salary is reduced by the amount a member is entitled to (under Table 1A) by virtue of being a member only.”.

Double jobbing during present period when there is no Executive

4. (1) Paragraph 2 of the 2016 Determination is amended as follows.

(2) In sub-paragraph (2) after “Table 1” insert “or Table 1A”.

Salary: inflationary increases

5. (1) Paragraph 3 of the 2016 Determination is amended as follows.

(2) At the end insert –

“(6) If an inflationary increase under sub-paragraph (1) is not, or was not, applied due to the operation of the Assembly Members (Inflationary increase to salary) (Period when there is no Executive) Determination (Northern Ireland) 2018, the inflationary increase is deemed to have been applied (and the salary calculated under paragraph 1 increased) at the end of the present period when there is no Executive.”.

Constituency office leases during present period when there is no Executive

6. The 2016 Determination is amended by inserting the following sub-paragraph at the end of paragraph 13 –

“(9) Where a lease is commenced during the present period when there is no Executive, no expenses may be recovered unless the lease includes a clause entitling the member to terminate the lease by giving notice of up to 3 months.”.

Annual Assembly travel allowance

7. The 2016 Determination is amended by inserting the following paragraph after paragraph 26 –

“Annual Assembly travel allowance present period when there is no Executive

26A. (1) Subject to sub-paragraph (8), this paragraph applies during the present period when there is no Executive.

(2) Where this paragraph applies, paragraph 26 does not apply.

(3) A member is entitled to an annual Assembly travel allowance, for travel from the member’s constituency to Parliament Buildings, in accordance with this paragraph.

(4) The allowance is determined by reference to the constituency the member represents, as set out in Table 3.

(5) The member is entitled to the full allowance if the member travels to Parliament Buildings, in connection with the member’s exercise of functions as a member, for 100 or more days a year. For each day less than this that the member travels, the allowance is reduced by 1%.

(6) A member must keep a record of travel to Parliament Buildings.

(7) A member is not entitled to an allowance if the member uses an official car for travelling to Parliament Buildings, and if a member uses an official car for part of the year, the allowance is reduced accordingly.

(8) Where this paragraph and paragraph 26 both apply in a year, the annual allowances under both paragraphs must be calculated in accordance with the proportion of the year for which they apply.”.

Staff appointments during present period when there is no Executive

8. The 2016 Determination is amended by inserting the following sub-paragraph at the end of paragraph 33 –

“(10) During the present period when there is no Executive, members must not appoint employees for a contractual term that exceeds one year (although employees may be re-appointed at the expiry of a contractual term).”.

Further amendments to the 2016 Determination

9. (1) The 2016 Determination is amended as follows.

(2) In paragraph 28, after sub-paragraph (3) insert –

“(3A) For the avoidance of doubt, the resettlement allowance is not to be calculated by reference to Table 1A.”.

(3) In paragraph 29, after sub-paragraph (3) insert –

“(3A) For the avoidance of doubt, the ill-health retirement allowance is not to be calculated by reference to Table 1A.”.

(4) In paragraph 47(2) insert the following in the appropriate place in alphabetical order –

““the Ministerial offices” means –

- (a) the offices of First Minister and deputy First Minister, and
- (b) the Ministerial offices to be held by Northern Ireland Ministers (within the meaning of the Northern Ireland Act 1998),”

““present period when there is no Executive” means the period beginning on 1 November 2018 and ending on the next occasion when all of the Ministerial offices are filled,”

(5) After paragraph 47 insert the following paragraph –

“Present period when there is no Executive

47A. The Assembly Members (Salaries and Expenses) (Present period when there is no Executive) Determination (Northern Ireland) 2018 makes further provision as to how this Determination is to be applied during the present period when there is no Executive.”.

Interpretation

10. (1) The Interpretation Act (Northern Ireland) 1954 applies to this Determination as it applies to an Act of the Northern Ireland Assembly.

(2) In this Determination –

“the 2016 Determination” means the Assembly Members (Salaries and Expenses) Determination (Northern Ireland) 2016,

“the Ministerial offices” means –

- (a) the offices of First Minister and deputy First Minister, and
- (b) the Ministerial offices to be held by Northern Ireland Ministers (within the meaning of the Northern Ireland Act 1998), and

“present period when there is no Executive” means the period beginning on 1 November 2018 and ending on the next occasion when all of the Ministerial offices are filled’.

Revocations

11. The following are revoked –

- (a) the Assembly Members (Inflationary increase to salary) (Period when there is no Executive) Determination (Northern Ireland) 2018, and
- (b) in paragraph 3 of the 2016 Determination, sub-paragraphs (4) and (5).

Commencement

12. This Determination comes into operation on 1 November 2018.

Expiry

13. The following provisions of this Determination, and the amendments they make to the 2016 Determination, expire on the next occasion when all the Ministerial offices are filled –

- (a) paragraphs 1 to 4,
- (b) paragraph 6,
- (c) paragraph 8, and
- (d) in paragraph 9, sub-paragraphs (2), (3) and (5).

Title

14. This Determination may be cited as the Assembly Members (Salaries and Expenses) (Present period when there is no Executive) Determination (Northern Ireland) 2018.