Explanatory Notes relating to the Assembly Members (Salaries) Determination (Northern Ireland) 2027

1. These Explanatory Notes provide a plain-language explanation of the provisions of the Assembly Members (Salaries) Determination (Northern Ireland) 2027 ('the Determination'). They do not form part of the Determination. Where a provision is self-explanatory, no explanation is provided.

Paragraph 1: Exercise of functions

2. This paragraph lists the functions of the Independent Remuneration Board ('the Board') under section 2 of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 ('the 2011 Act') and the objectives of the Board in exercising those functions.

3. This paragraph provides that in exercising its functions, the Board had regard to the salaries of members of certain other legislatures (in accordance with section 2(2A) of the 2011 Act).

Paragraph 2: Salary

4. This paragraph sets out the annual salary to be paid to members.

5. Salaries are to be paid to a bank or building society account of the member (or of the member and their spouse, civil partner or cohabitant).

6. The salary fixed by this paragraph is expressed to be subject to paragraphs 4 – 8 of the Determination, which provide for increases and decreases in salary in certain circumstances, and for additional salaries to be paid to office holders.

Paragraph 3: Additional salaries for office holders

7. This paragraph provides for additional salaries for office holders, such as Ministers and the Speaker of the Northern Ireland Assembly. The additional salaries are paid in addition to the salary paid to each member and set out in paragraph 2. The additional salaries are specified in Table 1.

8. Where a member holds an office for only part of a year, the additional salary is paid pro-rata. Where a member holds multiple offices, the member is only to be paid the highest of the additional salaries.

9. The additional salary is to be paid into a bank or building society account of the office holder (or of the office holder and their spouse, civil partner or cohabitant).

10. The provisions of paragraph 4 (salary increases) do not apply to additional salaries. The additional salaries are fixed for the period for which the Determination is in effect.

Paragraph 4: Salary increases for members

11. Under this paragraph, members' salaries may be subject to an annual increase provided a specified condition related to average earnings is met. This paragraph comes into force on 31 March 2028 and will take effect from 1 April 2028.

12. The condition in paragraph 4.2 is that the NISRA publication entitled *'Employee earnings in Northern Ireland'* published in the previous year showed an increase in median weekly earnings (in nominal terms) in respect of full-time employees.

13. If that condition is met, a similar increase will be applied to members' salaries. This should ensure that members' salaries in each Assembly remain broadly aligned to the salary fixed by the Board at the start of that Assembly, allowing for inflation etc.

14. The percentage increase in members' salaries will not be greater than the percentage increase in median weekly earnings. It may not in any case exceed three per cent, even should median weekly earnings increase by a greater percentage in a year.

Paragraph 5: Salary during the period following an election

15. This paragraph makes provision for the salaries to be paid to members in the period after an election.

16. Under the Northern Ireland Act 1998, the Assembly has 24 weeks to appoint the First Minister ('FM'), deputy First Minister ('dFM') and Northern Ireland Ministers. In the 1998 Act, this is referred to as the 'period for filling Ministerial Offices'. It is divided into four periods of six weeks. At the end of this period, if all Ministerial Offices are not filled, it is for the Secretary of State to call a new election.

17. This paragraph provides that if the Ministerial Offices are not filled in the first six-week period, the salaries of members are reduced by 10%, and by a further 10% at the end of each of the two subsequent periods. The paragraph ceases to apply when the Ministerial Offices are filled.

18. This paragraph also makes provision for the additional salary to be paid to office holders in the period for filling Ministerial Offices. The paragraph refers the reader to Schedule 1, which sets out the additional salary payable to office holders during the period after an election. These follow the same structure as regards progressive

reductions in members' salaries, Office holders may remain in post for up to 24 weeks following an election save in the circumstances next discussed.

19. Paragraph 5.6 deals with a situation where the offices of the FM and dFM were vacant prior to an election (if for example one or the other had resigned). This will have resulted in the reduction of office holder salaries under paragraph 6. Paragraph 5.6 provides that in these circumstances the salaries payable to Ministers after an election will be those set out in Table 1C until they cease to hold office after an election or paragraph 5 ceases to apply.

20. Paragraph 5 will cease to apply if within the 24-week period the Northern Ireland Ministers are appointed, when members' and ministers' salaries will revert to the level set out in paragraph 2 and paragraph 3 respectively.

Paragraph 6: Salary when the offices of First and deputy First Ministers become vacant

21. This paragraph makes provision for the salaries to be paid to members if at any time the offices of First Minister and deputy First Minister become vacant otherwise than by virtue of section 16A(11A) of the 1998 Act (if for example one or the other had resigned).

22. The effect is similar to that set out in paragraph 5. The salaries of members are reduced by 10% six weeks after the vacancies arise (the 'initial vacancy period'), and by a further 10% in each of two subsequent periods.

23. This paragraph also makes provision for the additional salary to be paid to office holders during the initial vacancy period and subsequently. It refers the reader to Schedule 2, which sets out the additional salary payable to office holders during the periods which follow the end of the initial vacancy period.

24. Paragraph 6 will cease to apply if within the 24-week period the FM and dFM are reappointed, when members' and ministers' salaries will revert to the level set out in paragraph 2 and paragraph 3 respectively. It will also cease to have effect if there is an election, in which case paragraph 5 will govern the salaries payable.

Paragraph 7: Imprisonment

25. This paragraph provides that during any period where a member is in prison, the member shall only be paid 10% of their salary and any additional salary referable to their position as an office holder (although it is thought unlikely that members who are imprisoned will continue to hold any office).

Paragraph 8: Double jobbing

26. This paragraph makes provision for the salary to be paid to a member where that member receives a salary as a member of the House of Lords. There are very few salaried positions in the House of Lords, so this paragraph is unlikely to be of application. However, this paragraph provides that a salaried member of the House of Lords will not receive a salary as a member of the Assembly. If the person is also an office-holder in the Assembly, however, they may receive the salary referable to that office.

Paragraph 9: Pensions

27. This paragraph provides that members continue to be entitled to receive a pension in accordance with the pension scheme applicable to members.

Paragraph 10: Recoupment of payments by the Assembly Commission

28. This paragraph applies paragraph 39 of the Assembly Members (Office and Staffing Costs and Allowances) Determination (Northern Ireland) 2025 to payments made under the Determination. Paragraph 39 of the Assembly Members (Office and Staffing Costs and Allowances) Determination (Northern Ireland) 2025 makes provision for recoupment of payments made by the Assembly Commission to members in certain circumstances (for example, payments made in error). This may include recoupment from salaries paid to members.