STATUTORY RULES OF NORTHERN IRELAND

2013 No. 183

LOCAL GOVERNMENT

Local Government (Severance Payments to Councillors) Regulations (Northern Ireland) 2013

Made - - - -	*5th July 2013*
Coming into operation	*1st August 2013*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 19 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010(**1**).

Citation and commencement

1. These Regulations may be cited as the Local Government (Severance Payments to Councillors) Regulations (Northern Ireland) 2013 and shall come into operation on 1st August 2013.

Interpretation

2. In these Regulations—

"calculation period 1973 to 1998" means the period that commences on 30th May 1973 and ends on 21st May 1998;

"calculation period 1998 to 2015" means the period that commences on 22nd May 1998 and ends on the councillor's date of resignation;

"clerk of the council" means the clerk of an existing council;

"councillor" means a member of an existing council;

"qualifying period" means the period that commences on 30th May 1973 and ends on 31st March 2015;

"reckonable service" has the meaning as assigned to it in regulation 6 (calculation of reckonable service);

"resignation" means a resignation in accordance with section 8 (resignation) of the Local Government Act (Northern Ireland) 1972(**2**); and

"severance payment" means a payment made in accordance with these Regulations.

(**1**) 2010 c. 7 (N.I.)
(**2**) 1972 c. 9 (N.I.)

Eligibility for severance payment – prescribed conditions

3. For the purposes of section 19(1) (severance payments to councillors) of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010—

(a) the prescribed period is the period which commences on 1st August 2013 and ends on 31st March 2015; and

(b) the prescribed conditions are:-

(i) by the date of making an application for a severance payment, the councillor has accrued a minimum of twelve years reckonable service; and

(ii) the councillor has made an application for a severance payment in accordance with regulation 4.

Application for a severance payment

4.—(1) An application for a severance payment shall—

(a) be made in writing to an existing council;

(b) be in such form as that council may direct;

(c) be made to the clerk of the council;

(d) be made between—

(i) 1st August 2013 and 31st December 2013; or

(ii) 1st January 2014 and the closing date for nomination as a candidate in the next local government elections; and

(e) contain the information relating to the councillor who is applying, as specified in paragraph (2).

(2) That information is—

(a) the name and residential address of the councillor;

(b) the date of birth of the councillor;

(c) the councillor's total number of years' service, rounded as specified in regulation 6(2), for each of the following periods—

(i) calculation period 1973 to 1998; and

(ii) calculation period 1998 to 2015;

(d) the councillor's number of years' service under paragraph (2)(c)(i), specifying both start and end dates;

(e) the councillor's number of years' service under paragraph (2)(c)(ii), specifying both start and end dates;

(f) total amount of severance payment due under both calculation periods specified under paragraph (2)(c);

(g) a written declaration—

(i) stating the councillor's date of resignation;

(ii) that the councillor will not stand for election at the next local government elections; and

(iii) that the information in the application is accurate as far as the councillor is aware; and

(h) the councillor's written nomination form ("nomination form"), naming one or more beneficiaries to receive the severance payment, in the event of a councillor's death after becoming entitled to the severance payment and before payment of it.