STATUTORY RULES OF NORTHERN IRELAND

2003 No. 125

LOCAL GOVERNMENT

Councillors (Travelling and Subsistence Allowances) (Amendment) Regulations (Northern Ireland) 2003

Made - - - -	*5th March 2003*
Coming into operation	*1st April 2003*

The Department of the Environment, in exercise of the powers conferred by Section 36 of the Local Government Act (Northern Ireland) 1972(**1**) and now vested in it(**2**) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations which may be cited as the Councillors (Travelling and Subsistence Allowances) (Amendment) Regulations (Northern Ireland) 2003 shall come into operation on 1st April 2003.

Rules with respect to payment of travelling allowances

2. For paragraph 6 of Schedule 1 to the Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973(**3**) there shall be substituted: –

> "**6.**—(1) If a councillor uses his private motor vehicle in preference to a public service or where a public service is not available, the rates per mile payable shall be determined by the district council, or as the case may be by the joint committee, in respect of the types of vehicles specified in sub-paragraph (2), but shall not exceed such rates as the Department may determine;
>
> (2) The types of vehicles specified for the purposes of sub-paragraph (1) are: –
>
> (a) a pedal cycle;
>
> (b) a solo motor cycle of cylinder capacity not exceeding 149cc;
>
> (c) a solo motor cycle of cylinder capacity exceeding 149cc but not exceeding 499cc;

(**1**) 1972 c. 9 (N.I.) as amended by S.I. 1978/1041 (N.I. 11)Art. 9(a)
(**2**) S.R. & O. (N.I.) 1973 No. 504 Art. 7(1); and S.I. 1976/424 (N.I. 6) Art. 3
(**3**) S.R. & O. (N.I.) 1973 No. 366 as amended by S.R. 1979 No. 25, S.R. 1981 No. 114 and S.R. 1997 No. 431

(d) a solo motor cycle exceeding 499cc cylinder capacity or a motor cycle with a sidecar;

(e) a motor car or tri-car of cylinder capacity not exceeding 450cc;

(f) a motor car or tri-car of cylinder capacity exceeding 450cc but not exceeding 999cc;

(g) a motor car or tri-car of cylinder capacity exceeding 999cc but not exceeding 1,199cc;

(h) a motor car or tri-car of cylinder capacity exceeding 1,199cc.

(3) The rates payable under sub-paragraph (1) may be increased –

(a) where other councillors are conveyed in the same vehicle on the business of the district council or, as the case may be, the joint committee by an additional rate per mile determined by the district council or, as the case may be, by the joint committee but not exceeding such rate as the Department may determine for the carriage of each such additional passenger;

(b) by not more than the amount of any expenditure incurred on tolls, ferries or parking fees;

(c) in the case of an absence overnight from the usual place of residence, by not more than the rate per night which the Department may from time to time determine for garaging a motor car, a tri-car, or a motor vehicle of any other type.

(4) For the purpose of this paragraph a councillor's "private motor vehicle" includes a vehicle belonging to a member of his family or otherwise provided for his use.".

Rules with respect to payment of subsistence allowances

3. For Schedule 2 to the Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973 there shall be substituted the Schedule to these regulations.

Time and manner of submission of claims

4. For regulation 7 of the Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973 there shall be substituted: –

"**7.**—(1) A district council shall not make a payment in respect of a claim for payment under these regulations (excluding claims for travel by means of a councillor's private motor vehicle) where that claim is not accompanied by receipts vouching actual expenses incurred.

(2) A district council shall not make a payment under these regulations where a claim for that payment is made more than 3 months after the date on which the expenditure was incurred.

(3) Paragraph (2) shall not apply to a claim for payment submitted to a district council in accordance with paragraph (1) prior to 1st July 2003.

(4) For the purpose of this regulation "councillor's "private motor vehicle" " shall be construed in accordance with sub-paragraph (4) of paragraph 6 of Schedule 1.".