1979 No. 25

LOCAL GOVERNMENT

Councillors (Travelling and Subsistence Allowances) (Amendment) Regulations (Northern Ireland) 1979

Made . . . . . *1st February* 1979

Coming into operation . . . *16th March* 1979

The Department of the Environment in exercise of the powers conferred by section 36 of the Local Government Act (Northern Ireland) 1972(a) and now vested in it(b) 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) 1979 shall come into operation on 16th March 1979 and shall have effect from 31st January 1979.

Revocation

2. The Councillors (Travelling and Subsistence Allowances) Regulations (Northern Ireland) 1978(c) are hereby revoked.

Allowances

3. For regulation 3(1) of the Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973(d) there shall be substituted:—

"*Allowances*

3.—(1) A councillor shall be entitled to receive payment by way of—

(*a*) travelling allowance in accordance with the rules of Schedule 1; and, as the case may be;

(*b*) subsistence allowance in accordance with the rules in Schedule 2

where expenditure on travelling or on subsistence is necessarily incurred by him for the purpose of enabling him to perform any approved duty as a councillor."

Rules with respect to payment of travelling and subsistence allowances

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

"**6.**—(1) If a councillor uses his private motor vehicle in circumstances where the conditions specified in sub-paragraph (2) are not satisfied, the rate per mile payable shall be at a rate determined by the council, or as the case may be by the joint committee, but shall not exceed such rate as the

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(a) 1972 c. 9 (N.I.) as amended by S.I. 1978/1041 (N.I. 11) Art. 9(*a*)
(b) S.R. & O. (N.I.) 1973 No. 504 Art. 7(1) (II, p. 2992); 1973 c. 36 Sch. 5 para. 8(1); and S.I. 1976/424 (N.I. 6)
(c) S.R. 1978 No. 57 (I, p. 137)
(d) S.R. & O. (N.I.) 1973 No. 366 (II, p. 2068)

Department may from time to time determine, or the rate appropriate to the vehicle in question under that sub-paragraph, whichever is the less.

(2)(*a*) If a councillor uses his private motor vehicle in circumstances which result in substantial saving of his time and are otherwise reasonable or where it is in the interests of the council, or as the case may be the joint committee, that the councillor should use 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 council, or as the case may be by the joint committee, in respect of the types of vehicles specified in head (*b*), but shall not exceed such rates as the Department may from time to time determine.

(*b*) the types of vehicles specified for the purposes of head (*a*) are:—

(i) motor cars or tri-cars exceeding 1199 cc cylinder capacity;

(ii) motor cars or tri-cars exceeding 999 cc but not exceeding 1199 cc cylinder capacity;

(iii) motor cars or tri-cars exceeding 500 cc but not exceeding 999 cc cylinder capacity;

(iv) motor cars up to 500 cc cylinder capacity;

(v) solo motor cycles exceeding 500 cc cylinder capacity, motor cycles with side car, or tri-cars not exceeding 500 cc cylinder capacity;

(vi) solo motor cycles exceeding 150 cc but not exceeding 500 cc cylinder capacity;

(vii) solo motor cycles exceeding 120 cc but not exceeding 150 cc cylinder capacity; and

(viii) solo motor cycles not exceeding 120 cc cylinder capacity.

(3) The rates payable under sub-paragraphs (1) and (2) may be increased—

(*a*) where other councillors are conveyed in the same vehicle on the business of the council, or as the case may be the joint committee—

(i) in respect of sub-paragraph (1) by an additional rate per mile determined by the council, or as the case may be by the joint committee, but not exceeding such rate as the Department may from time to time determine, for the carriage of each additional passenger to whom an allowance would otherwise be payable under these regulations, subject to such maximum limit per mile as the Department may from time to time determine for four or more passengers;

(ii) in respect of sub-paragraph (2) by an additional rate per mile determined by the council or as the case may be by the joint committee but not exceeding such rate as the Department may from time to time determine for the carriage of each such additional passenger;

Provided that no passenger allowance shall be payable in respect of solo motor cycles.

(*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.