

1973. No. 366

[C]

LOCAL GOVERNMENT**Travelling and Subsistence Allowances to Councillors**

REGULATIONS, DATED 27TH SEPTEMBER 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTION 36 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

The Ministry of Development on behalf of the Secretary of State and in exercise of the powers conferred on it by section 36 of the Local Government Act (Northern Ireland) 1972(a) and of every other power enabling it in that behalf and with the approval of the Ministry of Finance hereby makes the following regulations:—

Citation

1. These regulations may be cited as the Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2. In these regulations—

“approved duty” means any of the following duties, that is to say—

- (a) attendance at a meeting of the council, or of any of its committees or sub-committees, or at a meeting of a joint committee or of any of its sub-committees; or
- (b) the doing of anything approved by the council, or, as the case may be, by the joint committee, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the council, or of any of its committees or sub-committees, or, as the case may be, of the joint committee or any of its sub-committees;

“councillor” means—

- (a) a member of a council; and
- (b) a member, not being a member of a council, of a committee or sub-committee of a council, or of a joint committee or sub-committee;

“Ministry” means the Ministry of Development.

Allowances

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

- (a) travelling allowance in accordance with the rules in 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. Such allowances shall be at rates determined by the council, or as the case may be by a joint committee, but shall not exceed the rates prescribed in the Schedule.

(a) 1972. c. 9 (N.I.).

(2) A councillor shall not be entitled to a payment by way of subsistence allowance in respect of the performance of an approved duty except in respect of a duty performed at a distance of more than three miles from his usual place of residence.

Equality

4. The rate of any allowance determined under these regulations by a council or by a joint committee shall be the same for all councillors entitled to the relevant allowance and for every approved duty in respect of which it is payable.

Prevention of duplicate payments

5.—(1) Where a councillor is entitled to receive any payment in connection with approved duties as a member of more than one body in respect of periods falling within any one period of 24 hours, he shall be entitled to receive, and there shall be payable to him such payments for allowances as will not exceed in the aggregate the payments to which he would have been entitled had all the said duties been performed by him as a member of only one of these bodies.

(2) Where under these regulations and any other transferred provision a councillor would become entitled, apart from this regulation, to receive duplicate payments in respect of allowances in relation to the performance of approved duties in any one period of 24 hours, the amount which he shall be entitled to receive under these regulations shall be reduced by any amount received by him under the other transferred provision and any claim under these regulations shall contain particulars of any amount so received.

Claims for allowances

6. A councillor entitled to an allowance under these regulations shall make a claim for such allowance, in such form as the council or joint committee may direct, to the clerk of the council or as the case may be the chief officer of the joint committee and shall make a declaration that (a) he has not and will not make any claim for allowances from any other body in respect of the approved duty to which the claim refers; (b) the amounts claimed are strictly in accordance with the regulations; (c) he has actually paid any fares or other payments claimed by him; and (d) he has necessarily incurred expenditure on travelling and subsistence for the purpose of enabling him to perform an approved duty.

Time for submission of claims

7. A claim for an allowance under these regulations shall be submitted within 4 months from the date on which the expenses claimed were incurred: Provided that the Ministry may, where there are exceptional circumstances allow an extension of the period within which the claim may be submitted.

Records

8. The council, or as the case may be the joint committee, shall keep detailed records of all payments made to councillors under these regulations, indicating the amounts paid to each councillor and the heads under which they were paid and such records shall be open to inspection at all reasonable hours by any local government elector for the district or for the districts who appointed the joint committee.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 27th day of September 1973.

(L.S.)

J. Marsh,
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of September 1973.

(L.S.)

C. F. Darling,
Assistant Secretary.