

1982 No. 399

EDUCATION AND LIBRARIES**Education and Library Boards (Payments to Board Members)
Regulations (Northern Ireland) 1982***Made* 30th November 1982*Coming into operation* 17th January 1983

The Department(a) of Education in exercise of the powers conferred by Articles 67(3) and 125 of the Education and Libraries (Northern Ireland) Order 1972(b) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel(c); hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Education and Library Boards (Payments to Board Members) Regulations (Northern Ireland) 1982 and shall come into operation on 17th January 1983.

Interpretation

2. In these regulations—

“attendance allowance” means a payment to a member in respect of the performance of any approved duty;

“approved duty” means attendance at a meeting of—

(a) a board;

(b) a committee of a board appointed under Article 4(1) of the Order or a sub-committee of the board appointed under Article 4(5) of the Order; or

(c) a management committee of a controlled school, maintained school or institution of further education for the purpose of discharging a function of a board;

“member” means a member of a board;

“financial loss allowance” means a payment to a member in respect of any loss of earnings necessarily suffered or any expenses, other than expenses on account of travelling and subsistence, necessarily incurred by him for the purpose of—

(1) performing any approved duty; or

(2) attending meetings of—

(a) the General Council for the Education and Library Service (Northern Ireland);

the Staffs Council for Chief Officers of Education and Library Boards (Northern Ireland);

the Administrative, Executive, Clerical, Professional and Technical Staffs Council for the Education and Library Service (Northern Ireland); or

(a) Formerly Ministry: *see* Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)

(b) S.I. 1972/1263 (N.I. 12) as amended by S.I. 1976/58 (N.I. 2) Art. 10 and by S.I. 1978/1041 (N.I. 11) Art. 10

(c) Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1), S.R. 1976 No. 281 Art. 3(1) and Sch. 1 and S.I. 1982/338 (N.I. 6) Art. 4

the Ancillary and General Staffs Council for the Education and Library Service (Northern Ireland);

and any committees of these bodies.

(b) the Teachers' General Committee;

the Teachers' Salaries Negotiating Committee (Schools);

the Teachers' Conditions of Service Negotiating Committee (Schools); or

the Teachers' Negotiating Committee (Further Education);

and any committees of these bodies;

“the Order” means the Education and Libraries (Northern Ireland) Order 1972.

Revocation

3. The Education and Library Boards (Payments to Board Members) Regulations (Northern Ireland) 1979(a) are hereby revoked.

Allowances

4.—(1) A board on receipt of an application in accordance with regulation 5 shall make a payment to a member by way of an attendance allowance but such allowance shall not exceed such amount as the Department may determine.

(2) The amount of any attendance allowance under these regulations shall be the same for all members entitled to such allowance and for every approved duty for which it is payable.

(3) A board on receipt of an application in accordance with regulation 5 shall make a payment to a member by way of a financial loss allowance but such allowance shall not exceed such amount as the Department may determine.

(4) A member who gives notice in writing to the board of which he is a member that he wishes to receive a financial loss allowance (hereinafter called “a financial loss allowance notice”), shall be entitled, subject to and in accordance with the following provisions of this regulation, to receive financial loss allowance instead of any payment by way of attendance allowance to which he would otherwise be entitled.

(5) An existing board member who gives a financial loss allowance notice to the board not later than the end of the period of 4 weeks from the coming into operation of these regulations shall be entitled to receive financial loss allowance for any approved duty performed on or after the date the regulations come into operation.

(6) A member appointed to a board after the regulations come into operation who gives a financial loss allowance notice to the board not later than the end of the period of 4 weeks from his appointment as a member of the board shall be entitled to receive financial loss allowance for the performance of any approved duty since his appointment whether performed before or after the giving of the notice.

(7) A member who has not given the board a financial loss allowance notice in accordance with paragraph (5) or (6) and who gives such notice not less than 3 months before the beginning of a financial year shall be entitled to receive financial loss allowance for the performance of any approved duty not earlier than the beginning of that financial year.

(8) A financial loss allowance notice shall continue to have effect until the member ceases to be a member of the board or until a notification under paragraph (9) takes effect, whichever occurs first.

(9) If not less than 3 months before the beginning of the financial year a member who has given the board, of which he is a member, a financial loss allowance notice

notifies the board in writing that he withdraws that notice, he shall be entitled to receive payment by way of attendance allowance, instead of financial loss allowance, for the performance of any approved duty after the beginning of the financial year following the withdrawal of the notice.

Claim for allowance

5. A member entitled to an allowance under these regulations shall make a claim for such allowance to the Chief Officer of the board and shall make a declaration that:—

- (a) he has not and will not make any claim for allowance from any other body in respect of the approved duty or attendance at the meeting to which the claim refers;
- (b) the amounts claimed are strictly in accordance with these regulations; and
- (c) he has necessarily incurred or suffered any financial loss claimed for the purpose of enabling him to perform an approved duty or to attend the meeting to which the claim refers.

Records

6. A board shall keep detailed records of all payments made to members under these regulations indicating the amounts paid to each member and the heads under which they were paid, and such records shall be open to inspection at all reasonable hours by any member of the public.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 30th November 1982.

(L.S.)

J. S. Smith

Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 30th November 1982.

(L.S.)

N. R. Cowling

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations, which supersede the Education and Library Boards (Payments to Board Members) Regulations (N.I.) 1979 provide for the payment of attendance and financial loss allowances to members of Education and Library Boards and from 17th January 1983 allow a board member the option of claiming a financial loss allowance instead of an attendance allowance.

An attendance allowance is payable to a board member for the performance of any approved duty as defined in the regulations.

A financial loss allowance is payable to a board member who has necessarily suffered loss of earnings or incurred other expenses for the purpose of:—

- (i) performing any approved duty for which he had opted to receive financial loss allowance instead of attendance allowance; or
- (ii) attending meetings of any of the bodies listed in regulation 2(2).

A member may choose to receive financial loss allowance instead of attendance allowance by giving written notice to the board of which he is a member:—

- (i) not later than 4 weeks from the date these regulations come into operation;
 - (ii) not later than 4 weeks from the date of his appointment as a board member;
- or
- (iii) not less than 3 months before the beginning of a financial year.

This entitlement will continue until either he ceases to be a member of a board or withdraws his notice by another notice in writing.

The allowances shall not exceed amounts to be determined by the Department of Education.