

**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<sup>(a)</sup> and now vested in it<sup>(b)</sup> 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<sup>(c)</sup> 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;
  - (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.

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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); and S.I. 1976/424 (N.I. 6) Art. 3  
(c) 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

- (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."

Sealed with the Official Seal of the Department of the Environment on 5th March 2003.

(L.S.)

*J. Ritchie*

A senior officer of the Department of the Environment

## SCHEDULE

Regulation 3

### “SCHEDULE 2

Regulation 3(1)(b)

#### RULES WITH RESPECT TO THE PAYMENT OF SUBSISTENCE ALLOWANCES

1. Subsistence allowances shall be payable in respect of both an absence involving an absence overnight from the usual place of residence and an absence not involving an absence overnight from the usual place of residence.

2.—(1) The rates of subsistence allowance not involving an absence overnight from the usual place of residence shall be determined by the district council, or as the case may be by the joint committee, in respect of the time specified in sub-paragraph (3), but shall not exceed such rates as the Department may determine.

(2) Where breakfast, lunch, tea or evening meal is taken on a train the reasonable cost of the meal (including value added tax), may be reimbursed in full, in respect of the time specified in sub-paragraph (3);

(3) The meals allowances and the time away from home specified for the purposes of sub-paragraph (1) are: –

- (a) breakfast allowance: an absence of four hours away from the normal place of residence or where the district council permits, a lesser period, before 11 am;
- (b) lunch allowance: an absence of four hours away from the normal place of residence or where the district council permits, a lesser period, including all of the period between 12 noon and 2 pm;
- (c) tea allowance: an absence of four hours away from the normal place of residence or where the district council permits, a lesser period, including all of the period between 3 pm and 6 pm; and
- (d) evening meal allowance: an absence of four hours away from the normal place of residence or where the district council permits, a lesser period, ending after 7 pm.

3. The rates of subsistence allowance for an absence overnight from the usual place of residence shall be determined by the district council, or as the case may be by the joint committee, but shall not exceed such rates as the Department may determine.

4. The rates determined in respect of an absence overnight from the usual place of residence shall cover a continuous period of absence of twenty-four hours.

5. For an absence overnight of a period less than twenty-four hours, an appropriate amount in respect of any meal allowance shall be deducted from the maximum rate determined.

6. Any rate determined shall be reduced by an appropriate amount in respect of any meal provided free of charge by any body during the period to which the allowance relates.

7.—(1) For an absence from the usual place of residence overnight in London or exceptionally in any other place in the British Isles approved by the Department, the rates may be increased by a supplementary allowance of such amount as the district council, or as the case may be the joint committee, may decide but not exceeding such amount as the Department may determine.

(2) For the purpose of this paragraph London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

The regulations amend the Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973 (“the principal Regulations”) which enable district councils to pay travelling and subsistence allowances to councillors and committee members of district councils where the payments do not exceed the amount or rates determined by the Department of the Environment.

They include new provisions for the payment of travelling allowance relating to a pedal cycle and also the requirement for appropriate receipts, relating to actual expenses, to be submitted within 3 months from the date on which the expenditure was incurred (Regulations 2 and 4).

A new Schedule 2 to the principal Regulations (Rules with respect to the payment of subsistence allowances) is substituted (Regulation 3).

Transitional provision is made by Regulation 4.

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