

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.

SCHEDULE 1

Rules with respect to the payment of travelling allowances

1. The rate for travel by public service shall not exceed the amount of the ordinary first class fare or any available cheap first class fare: Provided that the sum paid shall not exceed the actual amount disbursed by the councillor.

2. The rate specified in the preceding paragraph may be increased by supplementary allowances not exceeding expenditure actually incurred—

(a) on special supplements, reservation of seats and deposits or portage of luggage; and

(b) on sleeping accommodation engaged by the councillor for an overnight journey subject, however, to reduction by one-third of any subsistence allowance payable to him for that night.

3. The rate for travel by taxi-cab shall not exceed—

(a) in cases of urgency or where no public service is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and

(b) in any other case, the amount of the fare which the councillor would have been entitled to claim had he travelled by appropriate public service.

4. The rate for travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the councillor who hired it:

Provided that where the council, or as the case may be the joint committee, so approves, the rate may be increased to an amount not exceeding the actual cost of the hiring.

5. Fares for travel by air shall be payable if either—

(a) the rate for travel by air does not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence expenses consequent on travel by air; or

(b) the council, or as the case may be the joint committee, resolves, either generally or specially, that the saving in time is so substantial as to justify payment of the fare for travel by air, in which case there may be paid an amount not exceeding—

(i) the ordinary, or any available cheap fare for travel by regular air service; or

(ii) where no such service is available, or in case of urgency, the fare actually paid by the councillor.

6.—(1) If a councillor uses his private motor vehicle in circumstances where the conditions specified in sub-paragraph (2) are not satisfied, the mileage allowance payable shall be a rate not exceeding 2.5p a mile or the rate appropriate to the vehicle in question under that sub-paragraph, whichever is the less.

(2) If a councillor uses his private motor vehicle in circumstances which result in a 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 mileage rates payable shall not exceed—

(a) for motor cars or tri-cars exceeding 1199 c.c. cylinder capacity: 6.9p a mile;

(b) for motor cars or tri-cars exceeding 999 c.c. but not exceeding 1199 c.c. cylinder capacity: 6.2p a mile;

- (c) for motor cars or tri-cars exceeding 500 c.c. but not exceeding 999 c.c. cylinder capacity: 5.5p a mile;
- (d) for solo motor cycles exceeding 500 c.c. cylinder capacity, motor cycles with side car, and motor cars or tri-cars not exceeding 500 c.c. cylinder capacity: 2.8p a mile;
- (e) for solo motor cycles—
 - (i) exceeding 150 c.c. but not exceeding 500 c.c. cylinder capacity: 1.9p a mile;
 - (ii) exceeding 120 c.c. but not exceeding 150 c.c. cylinder capacity: 1.7p a mile;
 - (iii) not exceeding 120 c.c. cylinder capacity; 1.3p a mile.

(3) The rates prescribed in 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 0.5p a mile for the carriage of each additional passenger to whom an allowance would otherwise be payable under these regulations subject to a limit of 2.0p a mile for four or more passengers;
 - (ii) in respect of sub-paragraph (2) by 0.2p a mile 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 absence overnight from the usual place of residence, by not more than 12.5p a night for garaging a motor car or tri-car, or 7.5p a night for garaging a motor vehicle of any other type.

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

7. For the purpose of the regulations "cubic centimetres cylinder capacity" shall be calculated in the manner prescribed by regulation 33 of the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1947(b):

Provided that where the engine of a car has been rebored the calculation shall be based on the engine as it was when new.

SCHEDULE 2

Rules with respect to the payment of subsistence allowances

1.—(1) The rate of subsistence allowance shall not exceed—

(a) in the case of an absence, not involving an absence overnight, from the usual place of residence—

(i) of more than four but not more than eight hours: £1.35;

(ii) of more than eight but not more than twelve hours: £2.40;

(iii) of more than twelve but not more than sixteen hours: £3.40;

(iv) of more than sixteen hours: £4.05.

(b) in the case of an absence overnight from the usual place of residence—

(i) in the British Islands: £8.65;

(ii) elsewhere, such rate as the Ministry may from time to time approve: Provided that for such an absence overnight in London, or exceptionally in any other place in the British Islands approved by the Ministry, the rate may be increased by a supplementary allowance not exceeding 80p.

(c) for the purpose of this sub-paragraph, London means the City of London and the London boroughs of Camden, Greenwich, Hackney, Hammersmith, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

(2) Any rate determined under sub-paragraph (1)(b) shall be deemed to cover a continuous period of absence of twenty-four hours.

2. The rates specified in the preceding paragraph 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.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations prescribe the maximum rates and the conditions of payment of travelling and subsistence allowances to councillors of district councils.