1981 No. 108

LOCAL GOVERNMENT

Local Government (Payments to Councillors) (Amendment) Regulations (Northern Ireland) 1981

Made	*2nd April 1981*
Coming into operation . . .	*21st May 1981*

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 may be cited as the Local Government (Payments to Councillors) (Amendment) Regulations (Northern Ireland) 1981 and shall come into operation on 21st May 1981.

Revocation

2. The Local Government (Payments to Councillors) (Amendment) Regulations (Northern Ireland) 1979(**c**) are hereby revoked.

Amendment of definition

3. For the definition of "financial loss allowance" in regulation 2 of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1973(**d**) there shall be substituted the following definition:—

> " 'financial loss allowance' means a payment to a councillor or committee member in respect of any loss of earnings necessarily suffered or any additional expenses (other than expenses on account of travelling or subsistence) necessarily suffered or incurred by him for the purpose of enabling him to perform any approved duty."

Allowances

4. For regulation 3 of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1973(**d**) there shall be substituted:—

> "**3.**—(1) A council or a joint committee, as the case may be, shall make a payment to a councillor by way of an attendance allowance or, as provided by paragraphs 3, 4, 5, 6 and 7, a financial loss allowance of such amount as is determined by the council, or as the case may be, by the joint committee, but the allowance shall not exceed such amount as the Department may from time to time determine.
>
> (2) A council or a joint committee, as the case may be, shall make a payment to a committee member by way of a financial loss allowance, in respect of the amount of any financial loss incurred or suffered by him but the allowance shall not exceed such amount as the Department may from time to time determine.

(**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); Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1) and S.I. 1976/424 (N.I. 6)
(**c**) S.R. 1979 No. 8
(**d**) S.R. & O. (N.I.) 1973 No. 443

(3) A councillor who gives notice in writing to the council 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.

(4) A councillor who gives a financial loss allowance notice to the council not later than the end of the period of four weeks from his election as a member of the council, shall be entitled to receive financial loss allowance for the performance of any approved duty since his election, whether performed before or after the giving of the notice.

(5) A councillor who has not given the council a financial loss allowance notice in accordance with paragraph (4) gives such notice not less than three 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.

(6) A financial loss allowance notice shall continue to have effect until the councillor ceases to be a member of the council or until a notice under paragraph (7) takes effect, whichever occurs first.

(7) If not less than three months before the beginning of the financial year a councillor who has given the council of which he is a member a financial loss allowance notice gives notice in writing that he withdraws that notice, he shall be entitled to receive payments 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 giving of the notice."

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 2nd April 1981.

(L.S.) *J. F. Younger*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the existing regulations relating to the payment of allowances to councillors from 21st May 1981 by entitling a councillor to receive a financial loss allowance instead of an attendance allowance on giving written notice to the council that he wishes to receive the former allowance. The regulations also provide how on giving written notice he may revert to receiving an attendance allowance.