

INDEPENDENT FINANCIAL REVIEW PANEL

**Amendment to the Panel's
Determination dated March 2012
on the Salaries, Allowances,
Expenses and Pensions of the
Members of the Northern Ireland
Assembly**

Northern Ireland Assembly (Members' Allowances) Determination 2013

The Independent Financial Review Panel in exercise of the powers conferred on it by section 2 and section 11 of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 makes the following determination:

Citation and commencement

1. This determination may be cited as the Northern Ireland Assembly (Members' Allowances) Determination 2013 and shall have effect from 1 January 2013.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to this determination as it applies to an Act of the Northern Ireland Assembly.

Amendments to the Northern Ireland Assembly (Members' Salaries, Allowances, and Pensions) Determination 2012

3. (1) The Northern Ireland Assembly (Members' Salaries, Allowances, and Pensions) Determination 2012 is amended as follows.

- (2) In paragraph 2, in the appropriate places insert:

“**employing member**”, in relation to the operation of a staff pooling arrangement, means that member who employs any person providing services to members under the staff pooling arrangement;

“**staff pooling arrangement**” means an arrangement between two or more members, established to facilitate those members in being provided with research, secretarial, clerical or administrative assistance required by them in carrying out their Assembly duties by sharing support resources, and the terms of which have been notified to the Commission;”

- (3) For paragraph 9 substitute -

“Office costs expenditure

9. (1) A member shall be entitled to recover the expenditure which he incurs in any year in respect of research,

secretarial, clerical or administrative assistance and the provision of any equipment, facilities, services or utilities associated therewith required by the member in connection with the carrying out of his Assembly duties.

- (2) Subject to sub-paragraph (3), the maximum amount which a member is entitled to recover under sub- paragraph (1) is:
- £73,583 in the year commencing 1 April 2012;
 - £71,378 in the year commencing 1 April 2013; and
 - £69,238 in the year commencing 1 April 2014.
- (3) If in any year a member is in receipt from the Commission of office consumables to a value in excess of £1,000, the maximum amount which he is entitled to recover under sub-paragraph (1) in that year is reduced by the value of that excess.
- (4) If a member is in receipt, under any scheme prepared by the Independent Parliamentary Standards Authority, of payments or allowances in connection with carrying out his duties as a member of the House of Commons, the maximum amount which he is entitled to recover in any year under sub-paragraph (1) is:
- £27,594 in the year commencing 1 April 2012;
 - £17,844 in the year commencing 1 April 2013; and
 - £8,655 in the year commencing 1 April 2014.
- (5) A member shall be entitled to recover expenditure under sub-paragraph (1) in relation to any person providing research, secretarial, clerical or administrative assistance only if that person is:
- a) employed by the member; or
 - b) employed by an employing member under a staff pooling arrangement in which both members participate.
- (6) A member shall accordingly not be entitled to recover expenditure under sub-paragraph (1) in relation to any person providing research, secretarial, clerical or administrative assistance if that assistance is provided by virtue of any arrangement between the member and a third person save a staff pooling arrangement in which he participates.

- (7) The maximum amount which a member is entitled to recover in relation to such employees as are referred to in paragraph 9(5)(b) is £2000 in the period from 1 January 2013 to 31 March 2013 and £8000 in any year thereafter.
- (8) A member shall be entitled to recover the expenditure mentioned in sub-paragraph (5) only if the Commission has been provided with:
- (a) a copy of the written statement of particulars of employment provided to the employee;
 - (b) a job description of the post held by the employee;
 - (c) details of an account held by a financial institution in the name of the employee or in the name of the employee and the name of his spouse, civil partner or cohabiting partner; and
 - (d) in respect of an employee of an employing member, written notice of the terms of the staff pooling arrangement in which the member participates;

and the expenditure is paid directly to the account referred to in (c).

- (9) A member shall not be entitled to recover expenditure under sub-paragraph (1) in respect of the employment, whether by him or by an employing member, of more than one connected person at any given time, except in respect of:
- (a) any person who is a connected person by reason of being a family member, who was employed by the member on 10 February 2011 and who has not thereafter ceased to be employed by the member; and
 - (b) any other connected person who was employed by the member on 1 April 2012 and who has not thereafter ceased to be employed by the member.
- (10) Subject to sub-paragraph (11), a member shall not be entitled to recover expenditure under sub-paragraph (1) in relation to any contract for goods and services entered into with a connected person.
- (11) Subject to sub-paragraphs (13) to (14), under sub-paragraph (1) a member shall be entitled to recover the expenditure referred to in sub-paragraph (12) in respect of the rental or leasing of property.
- (12) The recoverable expenditure is an amount up to 110 per cent of the market valuation of the property at the time when the rental agreement or lease is entered into, plus £1,600.

(13) A member shall not be entitled to recover expenditure in respect of the rental of any property if the rental agreement or lease is entered into with:

- (a) a family member;
- (b) a person with whom the member is connected within the meaning of section 252(2)(b), (c), (d) or (e) or section 254 of the Companies Act 2006; or
- (c) any person from whom the member or his family member derives a financial benefit.

(14) Any payment by way of recovery for expenditure under this paragraph that is not paid by the Commission directly to an employee of a member, an employee of an employing member, or a supplier to the member of goods and services:

- (a) shall be paid directly to the member or employing member, as the case may be; and
- (b) shall be paid only into an account held by a financial institution in the name of the member or the employing member, as the case may be.”

(4) For sub-paragraph 12(1) substitute -

“(1) Subject to sub-paragraphs (3), (4) and (5), a member shall be entitled to recover the expenditure referred to in sub-paragraph (2) which:

- (a) is wholly and necessarily incurred by him in meeting the expenses of any of his employees in travelling to or from Parliament Buildings in Belfast in connection with that employee’s employment by the member; or
- (b) is wholly and necessarily incurred by him in meeting the expenses of any employee of the employing member in travelling to or from Parliament Buildings in Belfast in connection with that employee’s provision of services to the member through the staff pooling arrangement.

(5) For sub-paragraph 12(3) substitute –

“(3) A member shall not be entitled to recover expenditure in respect of more than an aggregate of 18 single journeys per year by all of his employees or those employees of the employing member providing services to him through the staff pooling arrangement.”

(6) For sub-paragraph 12(4) substitute -

“(4) A member shall not be entitled to recover expenditure under sub paragraph (1) in respect of more than one person employed by him or by the employing member who is a connected person except in respect of:

(a) any person who is a connected person by reason of being a family member and who was employed by the member on 10 February 2011 and who has not thereafter ceased to be employed by the member; and

(b) any other connected person who was employed by the member on 1 April 2012 and who has not thereafter ceased to be employed by the member.”

1 January 2013