

## **Northern Ireland Assembly (Members' Allowances) Determination (No. 1) 2015**

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

### ***Title and commencement***

1. This determination may be cited as the Northern Ireland Assembly (Members' Allowances) (No. 1) Determination 2015 and shall come into force on 1 April 2015.

### ***Amendment of the Northern Ireland Assembly (Members' Salaries, Allowances, Expenses and Pensions) Determination 2012***

2. The Northern Ireland Assembly (Members' Salaries, Allowances, Expenses and Pensions) Determination 2012 is amended as follows—
  - (1) In paragraph 2(2)—
    - (a) In the alphabetically appropriate place, insert—
      - “associated person” has the meaning given by paragraph 9(17);;
      - “civil partner” has the same meaning as in section 1 of the Civil Partnership Act 2004;;
      - “cohabitant” means either member of a couple consisting of—
        - (i) a man and a woman who are living together as if they were husband and wife; or
        - (ii) two persons of the same sex who are living together as if they were civil partners;;
      - “political party” means a party registered under Part II of the Political Parties, Elections and Referendums Act 2000; and
    - (b) omit the words from ‘a spouse’ to ‘cohabiting partner’ and substitute—
      - (i) parent, child, grandparent or grandchild;
      - (ii) brother, sister, uncle, aunt, nephew or niece (whether of the full or half blood);
      - (iii) spouse or any person related to a spouse in any of the ways set out in sub-paragraphs (i) or (ii);
      - (iv) civil partner or any person related to a civil partner in any of the ways set out in sub-paragraphs (i) or (ii); or
      - (v) cohabitant or any person related to a cohabitant in any of the ways set out in sub-paragraphs (i) or (ii);’
  - (2) In paragraph 6, for ‘cohabiting partner’ substitute ‘cohabitant’
  - (3) In paragraph 9—

- (a) in sub-paragraph (8), for ‘cohabiting partner’ substitute ‘cohabitant’;
- (b) in sub-paragraph (11), omit ‘subject to sub-paragraphs (13) to (14), under sub-paragraph (1)’; and
- (c) after sub-paragraph (14), insert—
  - ‘(15) A member shall not be entitled to recover expenditure in respect of a payment unless he makes a declaration in accordance with paragraph 16.
  - (16) A declaration must state—
    - (a) the name of the person who received the payment;
    - (b) whether the person who received the payment was at the time of the payment resident or registered at a place within the European Union;
    - (c) whether the person who received the payment was an associated person, and if so the details of that association;
    - (d) where the person who received the payment was a trust—
      - (i) whether any trustee of the trust was an associated person, and if so the details of that association;
      - (ii) whether any beneficiary of the trust was an associated person, and if so the details of that association;
    - (e) where the person who received the payment was a company—
      - (i) whether any director of that company was an associated person, and if so the details of that association;
      - (ii) whether any person who owned or controlled more than 5% of that company’s share capital or voting rights was an associated person, and if so the details of that association; and
    - (f) where the person who received the payment was a partnership, whether any partner was an associated person, and if so the details of that association;
  - (17) An associated person is—
    - (a) a political party;
    - (b) a member, employee or officer of a political party;
    - (c) an association, whether incorporated or not, the purpose of which is wholly or mainly—
      - (i) the advancement of political opinions;
      - (ii) the advancement of culture or heritage; or
      - (iii) the advancement of religion;
    - (d) a person who is, or was within the last five years—
      - (i) a member of the Assembly, the European Parliament, the House of Commons, the House of Lords, the Scottish Parliament, the National Assembly for Wales, Dáil Éireann (House of Representatives of Ireland) or Seanad Éireann (Senate of Ireland);
      - (ii) a district councillor;

- (iii) an employee of a member of the Assembly;
- (iv) an employee of the Commission;
- (v) an employee of a Northern Ireland department;
- (vi) an employee of a district council;
- (vii) a family member of a member of the Assembly; or
- (viii) a candidate for election to the Assembly.

- (18) Where a member knew or ought reasonably to have known that a declaration under sub-paragraph 15 was not accurate—
- (a) the Commission may request repayment of any amount paid to the member in respect of which that declaration was made;
  - (b) the member shall repay that amount to the Commission, within three months of the date of request; and
  - (c) in default of repayment of that amount, the Commission may deduct an amount equal to it from any other amount to be paid to the member under this or any subsequent Determination.'
- (4) In paragraph 14, for 'cohabiting partner' substitute 'cohabitant'; and
- (5) After paragraph 19, insert—

'Direct payments to members

20.—(1) A payment to which sub-paragraph (2) applies must be paid into an account held by a financial institution in the name of the member.

- (2) This sub-paragraph applies to payments in respect of—
- (a) members' travel expenditure under paragraph 7;
  - (b) members' subsistence expenditure under paragraph 8;
  - (c) disability expenditure under paragraph 10;
  - (d) recall expenditure under paragraph 11;
  - (e) employees' travel expenditure under paragraph 12;
  - (f) contributions by a member towards the pension of any employee under paragraph 13;
  - (g) childcare expenditure or allowance under paragraph 15;
  - (h) resettlement allowance under paragraph 16;
  - (i) ill-health retirement allowance under paragraph 17; and
  - (j) winding-up expenditure under paragraph 18.'