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*Number 39 of 1996*

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**OIREACHTAS (MISCELLANEOUS PROVISIONS) AND  
MINISTERIAL AND PARLIAMENTARY OFFICES  
(AMENDMENT) ACT, 1996**

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AN ACT TO AMEND AND EXTEND THE OIREACHTAS  
(ALLOWANCES TO MEMBERS) ACTS, 1938 TO 1994,  
AND THE MINISTERIAL AND PARLIAMENTARY  
OFFICES ACTS, 1938 TO 1992, AND TO PROVIDE FOR  
CERTAIN LIABILITIES OF OR IN RESPECT OF  
MEMBERS OF THE HOUSES OF THE OIREACHTAS.

[20th December, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“the Act of 1962” means the Oireachtas (Allowances to Members) Act, 1962;

“registered political party” means a political party registered in the Registrar of Political Parties under section 25 of the Electoral Act, 1992.

2.—The Act of 1962 is hereby amended by the substitution of the following section for section 1:

Overnight allowance.

“1. (1) In this section—

‘the Dublin area’ means such area inclusive of the county borough of Dublin as may be declared by regulations to be for the purposes of this section the Dublin area;

‘Leinster House’ has the same meaning as it has in section 2 (inserted by the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1992) of this Act;

‘member to whom this section applies’ means a member of Dáil Éireann or Seanad Éireann whose normal place of residence for the time being is not the Dublin area;

‘meeting’ means a meeting of—

(a) Dáil Éireann or Seanad Éireann, or

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- (b) a committee of Dáil Éireann or Seanad Éireann or a Committee of Dáil and Seanad Éireann of which the member to whom this section applies is a member, or
- (c) a meeting held in Leinster House between two or more members of either or both Houses of the Oireachtas to discuss parliamentary business.

(2) Subject to subsection (3) of this section, where a member to whom this section applies makes an overnight stay in the Dublin area because—

- (a) the member proposes to attend a meeting next day or
- (b) the member attends a meeting on any day to which subsection (2) (a) of this section does not apply,

the member may be paid out of moneys provided by the Oireachtas an overnight allowance in respect of accommodation of the amount for the time being sanctioned by the Minister for Finance for the purposes of this section.

(3) In the case of a meeting held in Leinster House to which paragraph (c) of the definition of ‘meeting’ relates, subsection (2) (a) of this section shall apply subject to—

- (a) payment of an overnight allowance being made in respect of not more than five such meetings per year, and
- (b) no payment being made if the member concerned is eligible for a payment by virtue of a meeting to which paragraph (a) or (b) of the definition of ‘meeting’ relates.”.

Amendment of  
section 2 of Act of  
1962.

3.—Section 2 (inserted by the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1992) of the Act of 1962 is hereby amended—

(a) in subsection (1), by the insertion of the following paragraph after paragraph (b):

“(c) secretarial facilities solely in connection with the member’s parliamentary duties.”,

and

(b) by the substitution of the following for subsection (2):

“(2) (a) A telephone allowance of such amount as may be prescribed shall be payable to a member of Dáil Éireann or Seanad Éireann or to a member of either House of the Oireachtas holding such position as may be prescribed in respect of telephone calls, otherwise than from Leinster House, arising from the member’s parliamentary duties (to be known as a ‘Constituency Telephone Allowance’) subject to such exceptions, restrictions and conditions as may be prescribed.

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- (b) In this section 'prescribed' means prescribed by S.3  
regulations made by the Minister for Finance  
under section 3 of this Act."

4.—(1) Where an injury is claimed to have been sustained by a person on or after the 1st day of January, 1993, and in respect of which—

Payments,  
indemnification,  
etc., in respect of  
certain persons in  
employment.

- (a) the person sustained the injury in the course of employment as a secretarial assistant (whether or not referred to by such title) by a member of either House of the Oireachtas or by a registered political party which at the relevant time had members in either or both of those Houses,
- (b) such employment was remunerated by payments made from the Vote for the Office of the Houses of the Oireachtas, and
- (c) proceedings were instituted prior to the commencement of regulations under *subsection (2)* of this section,

then, the Minister for Finance may make regulations for the purpose of recouping, in whole or in part, to such member or party any award or settlement, together with the costs incurred.

(2) Where an injury is claimed to have been sustained by a person in respect of which—

- (a) the person sustained the injury in the course of employment as a secretarial assistant (whether or not referred to by such title) by a member of either House of the Oireachtas or by a registered political party which at the relevant time had members in either or both of those Houses, and
- (b) such employment was remunerated by payments made from the Vote for the Office of the Houses of the Oireachtas,

then, the Minister for Finance may by regulations provide for the payment by the Minister to, or indemnification by, the Minister of such member or registered political party in respect of any award or settlement, together with the costs, incurred as a result of proceedings instituted by a person employed under regulations made by that Minister under section 2 (1) (c) (inserted by this Act) of the Act of 1962.

5.—The Ministerial and Parliamentary Offices Act, 1938, is hereby amended—

Allowances in  
respect of qualifying  
parties, etc.

- (a) by the substitution for paragraph (g) of subsection (1) of section 8A (inserted by the *Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1973*) of the following:

“(g) an annual sum payable pursuant to section 10 (inserted by the *Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act, 1996*) of this Act.”,

- (b) by the deletion of section 9 and section 9A (inserted by the *Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1973*),

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(c) by the substitution of the following for section 10:

“10.—(1) In respect of expenses arising from the parliamentary activities, including research, of a qualifying party, there may be paid to the parliamentary leader of such party where he or she is a member of Dáil Éireann—

- (a) in respect of not more than 5 members of that party elected to Dáil Éireann at the last preceding general election as a member of that party or elected to Dáil Éireann as a member of that party at a subsequent bye-election, an annual allowance of £25,000 in respect of each such member,
- (b) in respect of more than 5 members but not more than 10 members of that party elected to Dáil Éireann at the last preceding general election as a member of that party or elected to Dáil Éireann as a member of that party at a subsequent bye-election, an annual allowance of £20,000 in respect of each such member,
- (c) in respect of more than 10 members but not more than 60 members of that party elected to Dáil Éireann at the last preceding general election as a member of that party or elected to Dáil Éireann as a member of that party at a subsequent bye-election, an annual allowance of £10,000 in respect of each such member,
- (d) in respect of more than 60 members of that party elected to Dáil Éireann at the last preceding general election as a member of that party or elected to Dáil Éireann as a member of that party at a subsequent bye-election, an annual allowance of £5,000 in respect of each such member.

(2) In the case of a qualifying party forming or forming part of the Government, the combined allowances under subsection (1) of this section shall be reduced by one-third.

(3) The total amount paid under subsection (1) of this section shall be reduced by such amount as the Minister for Finance may specify where the parliamentary leader of a qualifying party is provided with a vehicle, or a vehicle and driver, paid for out of public funds.

(4) Subject to subsection (8) of this section, there may be paid to a member of Dáil Éireann who at the preceding general election or at a subsequent bye-election was elected as a member of Dáil Éireann other than as a member of a qualifying party an annual allowance in connection with his or her parliamentary activities of £10,000.

(5) An allowance paid by virtue of this section shall not be used for, or to recoup, election or poll expenses incurred for the purposes of any election or poll held under—

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- (a) the Electoral Acts, 1923 to 1990, or the Electoral S.5  
Acts, 1992 and 1995,
- (b) the European Parliament Elections Acts, 1977  
to 1993,
- (c) the Presidential Elections Acts, 1937 and 1992,  
or the Presidential Elections Acts, 1992 and  
1993,
- (d) the Referendum Acts, 1942 to 1992, or the Ref-  
erendum Acts, 1992 and 1994,
- (e) the Seanad Electoral (Panel Members) Acts,  
1947 to 1972, or
- (f) the Seanad Electoral (University Members)  
Acts, 1937 to 1973.

(6) An allowance paid by virtue of this section shall not be liable to income tax.

(7) No allowance under this section shall be paid or be payable in respect of the period in office of the Ceann Comhairle where at the last preceding general election or at a subsequent bye-election he or she was elected as a member of Dáil Éireann—

- (a) other than as a member of a qualifying party, or
- (b) as a member of a qualifying party but is the only member of the qualifying party so elected.

(8) An allowance, other than an allowance under subsection (4) of this section, which is payable by virtue of this section shall be paid in addition to any other allowance or salary payable to a member under the *Oireachtas (Allowances to Members) Acts, 1938 to 1996*, or the *Ministerial and Parliamentary Offices Acts, 1938 to 1996*.

(9) Allowances payable by virtue of this section shall, in respect of each member of Dáil Éireann, be calculated for each week the person was at any time during that week a member thereof, and it shall be paid—

- (a) to each qualifying parliamentary party leader at the time of payment, or
- (b) where subsection (4) of this section applies, to each member concerned,

for such period in arrears as the Minister for Finance considers appropriate.

(10) In this section ‘qualifying party’ means a political party registered in the Register of Political Parties under section 25 of the Electoral Act, 1992, which contested the last preceding general election or any subsequent bye-elections and which had a member or members elected to Dáil Éireann at that general election or at any subsequent bye-election.”,

and

- (d) by the deletion of section 11.

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Non-application of  
section 4 of the  
Oireachtas  
(Allowances to  
Members) Act,  
1938.

6.—Section 4 (4) of the Oireachtas (Allowances to Members) Act, 1938, shall be deemed not to apply or have applied in respect of claims made by any member of either House of the Oireachtas under the Oireachtas (Allowances to Members) (Travelling Facilities) (Amendment) Regulations, 1994 (S.I. No. 343 of 1994), for a journey undertaken at any time between the 10th day of July, 1994, and the 15th day of November, 1994.

Short title,  
collective citation  
and  
commencement.

7.—(1) This Act may be cited as the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act, 1996.

(2) The Oireachtas (Allowances to Members) Acts, 1938 to 1994, and this Act, other than *section 5* and *subsection (3)* of this section, may be cited together as the Oireachtas (Allowances to Members) Acts, 1938 to 1996.

(3) The Ministerial and Parliamentary Offices Acts, 1938 to 1992, *section 5* of this Act and this section (other than *subsection (2)*) may be cited together as the Ministerial and Parliamentary Offices Acts, 1938 to 1996.

(4) This Act shall be deemed to have come into operation on the 1st day of January, 1996, and any payments made after that date and before the passing of this Act by virtue of a provision amended by this Act shall be deemed to have been duly paid under the provision as amended by this Act.

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ACTS REFERRED TO

Electoral Act, 1992	1992, No. 23
Ministerial and Parliamentary Offices Acts, 1938 to 1992	
Ministerial and Parliamentary Offices Act, 1938	1938, No. 38
Oireachtas (Allowances to Members) Act, 1938 to 1994	
Oireachtas (Allowances to Members) Act, 1938	1938, No. 34
Oireachtas (Allowances to Members) Act, 1962	1962, No. 32
Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1973	1973, No. 22
Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act, 1983	1983, No. 32
Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1992	1992, No. 3