



STATUTORY INSTRUMENTS.

S.I. No. 84 of 2010



OIREACHTAS (ALLOWANCES AND FACILITIES) REGULATIONS
2010

(Prn. A10/0304)

OIREACHTAS (ALLOWANCES AND FACILITIES) REGULATIONS
2010

I, BRIAN LENIHAN, Minister for Finance, in exercise of the powers conferred on me by—

- (a) section 3 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act 2009 (No. 29 of 2009), having decided that any payment due to a member of the Oireachtas in respect of all or any of the entitlements referred to in subsection (1) of that section shall be paid together as a single composite monthly allowance known as the parliamentary standard allowance,
- (b) section 2(1) (inserted by section 11 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (No. 3 of 1992)) of the Oireachtas (Allowances to Members) Act 1962 (No. 32 of 1962) in respect of telephone and postal facilities,
- (c) section 2(2B) (inserted by section 16 of the Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998 (No. 5 of 1998)) of the Oireachtas (Allowances to Members) Act 1962 in respect of secretarial allowances, and
- (d) section 3(1A) (inserted by section 37 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas (Miscellaneous Provisions) Act, 2001 (No. 33 of 2001)) and (4) (as amended by section 19 of the Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998) of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act of 1992 in respect of an allowance to the Attorney General and a constituency office establishment allowance,

hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Oireachtas (Allowances and Facilities) Regulations 2010.

(2) These Regulations come into operation on 1 March 2010.

Interpretations

2. (1) In these Regulations—

“appropriate authority” means—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd March, 2010.*

(a) in the case of a member of Dáil Éireann, the Clerk of Dáil Éireann, and

(b) in the case of a member of Seanad Éireann, the Clerk of Seanad Éireann;

“distance” means distance by the shortest practicable route;

“Leinster House” has the same meaning as it has in section 2 of the Oireachtas (Allowances to Members) Act 1962;

“member” means member of either Houses of the Oireachtas;

“normal place of residence” means the place of residence specified by each member of the Oireachtas for the purposes of Regulation 4;

“office holder” means the Ceann Comhairle, Leas—Cheann Comhairle, Cathaoirleach, Leas—Cathaoirleach or Leader of the Seanad;

“Oireachtas Commission” means Houses of the Oireachtas Commission;

“Regulations of 2008” means Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) Regulations 2008 (S.I. No. 36 of 2008);

“relevant period” means, subject to paragraph (2),—

(a) in relation to a member of Dáil Éireann (including any officeholder who is also a member of Dáil Éireann),—

(i) in any year in which there is a dissolution of Dáil Éireann, the period between 1 January in the year and the day of such dissolution next following that day, or

(ii) in any year in which there is a general election for Dáil Éireann, the period between the polling day of that general election, and—

(I) the day of the dissolution of Dáil Éireann next following that polling day, or

(II) 31 December in that year,

whichever is the earlier, or

(iii) in any other case, the period of 12 months beginning on 1 January in any year,

(b) in relation to a member of Seanad Éireann (including any officeholder who is also a member of Seanad Éireann)—

(i) in any year in which there is a general election for Seanad Éireann—

- (I) the period between 1 January in that year and the day immediately preceding the polling day of the general election for Seanad Éireann next following 1 January in that year, and
- (II) the period between the polling day of any general election for Seanad Éireann and the day immediately preceding the polling day of the general election for Seanad Éireann next following that polling day or 31 December in that year,

whichever is earlier, or

- (ii) in any other case, the period of 12 months beginning on 1 January in any year.

(2) In respect of the year 2010, any reference in the definition of “relevant period” to 1 January is to be read as a reference to 1 March.

Parliamentary standard allowance

3. The parliamentary standard allowance is payable from the beginning of the relevant period monthly in arrears in respect of periods for which the member of the Oireachtas concerned is paid an annual sum by way of salary under section 2 (as amended by section 2 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992) of the Oireachtas (Allowances to Members) Act 1938 (No. 34 of 1938) and shall comprise an amount, as appropriate, for the purposes specified in Regulations 4 and 5.

Amount in respect of expenses for travel and accommodation

4. (1) The amount specified in a particular column of the Table to this paragraph is determined as the amount payable to a member of Dáil Éireann as part of the parliamentary standard allowance for the relevant period in respect of travelling facilities for distances, from the member’s normal place of residence in respect of the distance referred to in that column, to and from Leinster House, overnight expenses and travel expenses which the member is obliged to incur in the performance of his or her duties as a member of Dáil Éireann.

Table

		Distances from normal place of residence to Leinster House (kilometres)											
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
		Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8	Band 9	Band 10	Band 11	Band 12
Distance	Dublin (less than 25km)	25km or more but less than 60km	60km or more but less than 90km	90km or more but less than 120km	120km or more but less than 150km	150km or more but less than 180km	180km or more but less than 210km	210km or more but less than 240km	240km or more but less than 270km	270km or more but less than 300km	300km or more but less than 330km	330km or more but less than 360km	360km or more
Amount	€12,000	€28,106	€30,350	€31,850	€32,966	€33,350	€33,722	€34,094	€34,850	€35,594	€36,350	€37,106	€37,850

(2) The amount specified in a particular column of the Table to this paragraph is determined as the amount payable to a member of Seanad Éireann as part of the parliamentary standard allowance for the period in respect of travelling facilities for distances, from the member's normal place of residence in respect of the relevant distance referred to in that column, to and from Leinster House and overnight expenses which the member is obliged to incur in the performance of his or her duties as a member of Seanad Éireann.

Table

		Distances from normal place of residence to Leinster House (kilometres)											
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
		Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8	Band 9	Band 10	Band 11	Band 12
Distance	Dublin (less than 25km)	25km or more but less than 60km	60km or more but less than 90km	90km or more but less than 120km	120km or more but less than 150km	150km or more but less than 180km	180km or more but less than 210km	210km or more but less than 240km	240km or more but less than 270km	270km or more but less than 300km	300km or more but less than 330km	330km or more but less than 360km	360km or more
Amount	€7,000	€23,106	€25,350	€26,850	€27,966	€28,350	€28,722	€29,094	€29,850	€30,594	€31,350	€32,106	€32,850

(3) The amount specified in a particular column of the Table to this paragraph is determined as the amount payable opposite mention of an office holder referred to in column (1) of that Table as part of the parliamentary standard allowance for the period in respect of travelling facilities for the distances, from the officeholder's normal place of residence in respect of the distance referred to in that column, to and from Leinster House and overnight expenses which the person is obliged to incur in the performance of his or her duties as a member of the Oireachtas and as that office holder.

Table

		Distances from normal place of residence to Leinster House (kilometres)											
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Office holder		Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8	Band 9	Band 10	Band 11	Band 12
Distance	Dublin (less than 25km)	25km or more but less than 60km	60km or more but less than 90km	90km or more but less than 120km	120km or more but less than 150km	150km or more but less than 180km	180km or more but less than 210km	210km or more but less than 240km	240km or more but less than 270km	270km or more but less than 300km	300km or more but less than 330km	330km or more but less than 360km	360km or more
Amounts													
<i>Leas-Cheann Comhairle</i>	€8,400	€24,457	€27,150	€28,950	€30,289	€30,750	€31,196	€31,643	€32,550	€33,443	€34,350	€35,257	€36,150
<i>Cathaoirleach</i>	€8,400	€24,457	€27,150	€28,950	€30,289	€30,750	€31,196	€31,643	€32,550	€33,443	€34,350	€35,257	€36,150

(1)	(2)	Distances from normal place of residence to Leinster House (kilometres)											
		(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Office holder		Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8	Band 9	Band 10	Band 11	Band 12
<i>Leas-Cathaoirleach</i>	€8,400	€24,457	€27,150	€28,950	€30,289	€30,750	€31,196	€31,643	€32,550	€33,443	€34,350	€35,257	€36,150
<i>Leader of the Seanad</i>	€8,400	€24,457	€27,150	€28,950	€30,289	€30,750	€31,196	€31,643	€32,550	€33,443	€34,350	€35,257	€36,150

(4) An amount of €16,350 shall be paid to the Ceann Comhairle as part of the parliamentary standard allowance for the period in respect of overnight expenses which he or she is obliged to incur in the performance of his or her duties as a member of the Oireachtas and as an office holder.

(5) The Leas-Cheann Comhairle or Cathaoirleach may, in writing, no later than one month before the beginning of any relevant period, waive the payment of the amount specified in the Table to paragraph (3) in respect of their office and shall, in that case, be paid an amount of €16,350 as part of the parliamentary standard allowance for the period in respect of overnight expenses which he or she is obliged to incur in the performance of his or her duties as a member of the Oireachtas and as an office holder. In the event of such a waiver, the expenses of travelling to and from Leinster House of the Leas-Cheann Comhairle or Cathaoirleach, as appropriate, shall be met by such arrangements as may from time to time be made, subject to the approval of the Minister for Finance.

(6) A Minister of the Government, Minister of State or a person to whom the Table to paragraph (3) or paragraph (4) or (5) relates who is a member of either Dáil Éireann or Seanad Éireann shall not be entitled to be paid the amount determined in either the Table to paragraph (1) or (2) as may be applicable to him or her.

(7) The amount payable under this Regulation is in full settlement of expenses incurred by any member of the Oireachtas in respect of travelling to and from Leinster House, overnight expenses and travel expenses which the member is obliged to incur in the performance of his or her duties as a member or as an office holder.

(8) The payment of the amount under this Regulation is subject to the following exceptions, restrictions and conditions:

- (a) a member must notify the appropriate authority, in writing or in such form as may be specified by the Oireachtas Commission, of the address of their normal place of residence;
- (b) a member must certify, in writing or in such form as may be determined by the Oireachtas Commission, to the appropriate authority within 1 month of the end of the relevant period, that the amount payable under this Regulation was applied in respect of expenses

incurred within the relevant period on travelling to and from Leinster House from their normal place of residence, on overnight or travel expenses which the member was obliged to incur in the performance of his or her duties as a member of the Oireachtas or as an officeholder, as may be applicable;

- (c) a member is entitled to retain all amounts paid under this Regulation only where their attendance has been recorded at Leinster House for a minimum of 120 days within the relevant period or, where the relevant period is less than 12 months, that number of days reduced in proportion to the length of the relevant period;
- (d) subject to paragraph (9), in any case where a member is not recorded as attending Leinster House for the number of days specified in subparagraph (c) or more, the member shall repay, within 2 months of the end of the relevant period, one per cent of the allowance paid to them under this Regulation in respect of every day by which the number of days attended is less than the number specified for the relevant period;
- (e) any amount due to be repaid in accordance with subparagraph (d) and not so repaid, may be deducted from any other money due to be paid to that member.

(9) On application by a member, the appropriate authority may modify the application of paragraph (8)(c) or determine that paragraph (8)(c) does not apply to that member, where he or she can show that their attendance was not recorded at Leinster House for the number of days specified in that paragraph due to—

- (a) ill-health which has been certified by a medical practitioner as preventing the member from carrying out their duties as a member,
- (b) attendance abroad in the performance of his or her duties as a member or as an officeholder, or in the State, otherwise than in Leinster House, as part of or on behalf of an Oireachtas Committee, or
- (c) extraordinary circumstances that precluded the attendance by the member at Leinster House, and which the Ceann Comhairle or Cathaoirleach, as may be appropriate, determines are good and sufficient and could not have been foreseen by the member.

The decision of the appropriate authority, Ceann Comhairle or Cathaoirleach, as appropriate, under this paragraph is final.

(10) The Oireachtas Commission may make such arrangements as are necessary to enable members to record their attendance at Leinster House, including through electronic means. The Commission shall put in place a facility to enable a member to record their attendance in writing, where that member opts to do

so and indicates, within one month before the beginning of the relevant period, that they intend to record their attendance in that manner for the relevant period.

Amount in respect of expenses of public representation

5. (1) The amount payable to a member of Dáil Éireann, including an office-holder but excluding a Minister of the Government or Minister of State, as part of the parliamentary standard allowance in respect of expenses (other than expenses provided for in Regulation 4) which the member is obliged to incur in the performance of his or her duties as a member, is—

- (a) where evidence in the form of vouchers or receipts is available to show that the expenses were incurred, an amount of not more than €25,700 for each year, or
- (b) in any other case, an amount of not more than €15,000.

(2) The amount payable to a member of Seanad Éireann, including an office-holder but excluding a Minister of the Government or Minister of State, as part of the parliamentary standard allowance in respect of expenses (other than expenses provided for in Regulation 4) which the member is obliged to incur in the performance of his or her duties as a member is—

- (a) where evidence in the form of vouchers or receipts is available to show that the expenses were incurred, an amount of not more than €15,000 for each year, or
- (b) in any other case, an amount of not more than €9,250.

(3) The amount payable to a Minister of the Government or Minister of State as part of the parliamentary standard allowance in respect of expenses (other than expenses provided for in Regulation 4) which the Minister or Minister of State is obliged to incur in the performance of his or her duties as a member, is—

- (a) where evidence in the form of vouchers or receipts is available to show that the expenses were incurred, an amount of not more than €20,000 for each year, or
- (b) in any other case, an amount of not more than €12,000.

(4) The payment of the amount specified in this Regulation is subject to the following exceptions, restrictions and conditions:

- (a) the amount specified in this Regulation shall be provided in any case where, within one month before the beginning of any relevant period, a member of the Oireachtas notifies the appropriate authority, in writing or in such form as may be specified by the Oireachtas Commission, of whether they intend to claim an amount under paragraph (1)(a) or (b) in the case of a member of Dáil Éireann, paragraph (2)(a) or (b) in the case of a member of Seanad Éireann, or paragraph (3)(a) or (b) in the case of a Minister of the Government or Minister

of State, and the amount subject to the maximum specified in each of those paragraphs that they wish to be paid on a monthly basis, and the amount shall not be paid to the member until the appropriate authority receives such notification in respect of that period;

- (b) each member must certify, in writing or in such form as may be determined by the Oireachtas Commission, to the appropriate authority within one month of the end of the relevant period—
 - (i) the amount expended under this Regulation in respect of expenses incurred in the performance of his or her duties as a member, and
 - (ii) that the amount referred to in subparagraph (i) was applied wholly in respect of such expenses as are specified in paragraph (c) or (d), as appropriate, which he or she was obliged to incur in the performance of his or her duties as a member;
- (c) the expenses to which the amount payable under paragraph (1) to a member of Dáil Éireann or under paragraph (3) to a Minister of the Government or a Minister of State may be applied are:
 - (i) rent, rates and other such charges in relation to an office or offices,
 - (ii) utilities of an office or offices,
 - (iii) improvements to office accommodation,
 - (iv) signage in respect of the constituency office,
 - (v) purchase or maintenance of office furniture or equipment,
 - (vi) purchase of stationery,
 - (vii) insurance including for office accommodation or equipment and public liability insurance,
 - (viii) cleaning of office accommodation,
 - (ix) subject to paragraph (8), telephone calls, otherwise than from Leinster House, including line rental and mobile phone calls, relating to the performance of his or her duties as a member,
 - (x) web hosting and other related computer costs,
 - (xi) hiring rooms for clinics or other meetings relating to the performance of his or her duties as a member of the Oireachtas,
 - (xii) leaflet and newsletter distribution,
 - (xiii) advertising relating to the performance of his or her duties as a member, and

- (xiv) attendance at conferences relating to the performance of his or her duties as a member (except expenses relating to travel);
 - (d) the expenses to which the amount payable under paragraph (2) to a member of Seanad Éireann may be applied are:
 - (i) telephone calls, otherwise than from Leinster House, including line rental and mobile phone calls, relating to the performance of his or her duties as a member,
 - (ii) web hosting and other related computer costs,
 - (iii) leaflet and newsletter distribution,
 - (iv) advertising relating to the performance of his or her duties as a member,
 - (v) hiring rooms for meetings relating to the performance of his or her duties as a member, and
 - (vi) attendance at conferences relating to the performance of his or her duties as a member (except expenses relating to travel);
 - (e) in any case where a member has incurred an additional amount of expenses within the relevant period that is more than the amount paid to him or her under Regulation 5, he or she may, subject to the maximum amounts specified in paragraph (1), (2) or (3), as may be appropriate, and to the requirements of subparagraph (f) where applicable, apply for such additional amount to be paid within 2 months of the end of the relevant period;
 - (f) a member who is paid an amount under paragraph (1)(a), (2)(a) or (3)(a) as may be appropriate shall retain for a period of 5 years evidence of the expenses incurred in the form of vouchers or receipts and shall make such evidence available in the event of an audit under Regulation 6;
 - (g) in any case where a member has incurred an amount of expenses within the relevant period that is less than the amount paid to him or her under Regulation 5, the member shall repay, within 2 months of the end of the relevant period, the amount not incurred;
 - (h) any amount due to be repaid in accordance with paragraph (g) and not so repaid, may be deducted from any other moneys due to be paid to that member.
- (5) An additional amount of €1,700 to that specified in paragraph (1) or (2) is payable to the Chairman of the Committee of Public Accounts appointed by Dáil Éireann in respect of telephone calls, otherwise than from Leinster House, including line rental and mobile phone calls.

(6) An additional amount of €1,100 to that specified in paragraphs (1) or (2) is payable in respect of telephone calls, otherwise than from Leinster House, including line rental and mobile phone calls,—

- (a) to a member, who is also the holder of the office of chairman of:
 - (i) the British-Irish Inter-Parliamentary Assembly,
 - (ii) a Joint Committee (within the meaning of the Standing Orders of Dáil Éireann and the Standing Orders of Seanad Éireann) appointed by both Houses of the Oireachtas,
 - (iii) the Select Committee on Members' Interests of Dáil Éireann, or
 - (iv) the Select Committee on Members' Interests of Seanad Éireann,
 in respect of each such office held by the member,
- (b) to a member of Dáil Éireann, who is a party whip in Dáil Éireann, and
- (c) to a member of Dáil Éireann, who is an assistant party whip in Dáil Éireann, nominated by a person referred to in subparagraph (b) who is the Government chief whip and who opts not to be paid the amount referred to in that subparagraph (b).

(7) An amount shall not be payable under this Regulation in respect of any period during which the person concerned was not, as the case may be, a member of the Oireachtas, a holder of an office specified in paragraph (6)(a), a party whip in Dáil Éireann or a person nominated under paragraph (6)(c).

(8) A Minister of the Government or Minister of State may not apply the amount payable under this Regulation to expenses in respect of telephone calls specified in paragraph (4)(c)(ix).

(9) The amount payable under this Regulation is in full settlement of expenses incurred by any member (other than expenses provided for in these Regulations) which the member is obliged to incur in the performance of his or her duties as a member or as an office holder.

Audit

6. (1) The Oireachtas Commission may provide for the audit of an amount or amounts in respect of a relevant period paid, under paragraph (1)(a), (2)(a) or (3)(a) of Regulation 5, to not less than 10 per cent of members selected on a random basis.

(2) Any member of the Oireachtas who is paid an amount specified in paragraph (1) shall retain for a period of 5 years the evidence of the expenses incurred including any vouchers, receipts or bills, and shall make the evidence available, for inspection only, to any auditor appointed by the Oireachtas Commission for the purpose of audit.

(3) In any case where, following an audit under this Regulation, the appropriate authority is satisfied that a member of the Oireachtas has incurred expenses within the relevant period that is less than the amount paid to him or her under Regulation 5, the member shall repay, within 2 months of being notified of such overpayment, the amount not so incurred.

(4) Any amount due to be repaid in accordance with paragraph (3) and not so repaid, may be deducted from any other moneys due to be paid to the member.

Free telephone calls — restrictions and conditions

7. (1) The facility of free telephone calls from Leinster House granted to a member shall not commence until the member first becomes, by compliance with Standing Orders of the House of the Oireachtas of which he or she is a member, entitled, under the Standing Orders of that House, to sit in the House as a member of the House.

(2) The availability of the facility does not preclude a member transmitting facsimile documents by means of the telephone facilities provided to members on a communal basis for the transmission and receipt of such documents.

Free postal facilities — restrictions and conditions

8. (1) Free postal facilities granted to a member are subject to the following, restrictions and conditions:

- (a) the facilities shall not commence until the member first becomes, by compliance with the Standing Orders of the House of the Oireachtas of which he or she is a member, entitled, under the Standing Orders of that House, to sit in that House as a member of the House;
- (b) the facilities shall not be availed of save by means of envelopes which, on application made by the member concerned to the appropriate authority, shall be issued for the purposes of these Regulations;
- (c) envelopes issued for the purposes of these Regulations shall be prepaid in the following manner:
 - (i) at the ordinary inland letter post rate for An Post preferred size envelopes (“ordinary prepaid envelopes”),
 - (ii) at a rate that is one and a half times such letter post rate (“prepaid (intermediate size) envelopes”),
 - (iii) at a rate that is three times such letter post rate (“prepaid (large size) envelopes”), or
 - (iv) at a rate equivalent to the standard rate for a 20 gramme airmail letter to destinations outside Europe (“prepaid (airmail) envelopes”);
- (d) a member shall be entitled to receive a monthly allocation of ordinary prepaid envelopes not exceeding—

- (i) in the case of a member who is a party whip in Dáil Éireann, the number obtained by adding—
 - (I) the number that is equal to the number of members for the time being of the parliamentary party of which the member is whip when multiplied by 10, and
 - (II) 1,500,
- (ii) in the case of any other member of Dáil Éireann, 1,500,
- (iii) in the case of a member who is a group whip in Seanad Éireann, the number obtained by adding—
 - (I) the number that is equal to the number of members for the time being of the group of which the member is whip when multiplied by 10, and
 - (II) 1,000, and
- (iv) in the case of any other member of Seanad Éireann, 1,000;
- (e) in case as regards a particular month a member receives no ordinary prepaid envelopes or less than the number of such envelopes to which the member is entitled under subparagraph (d), the member's allocation as regards that month of such envelopes or, as may be appropriate, the remainder of such allocation shall be forfeited;
- (f) a member shall be entitled to receive prepaid (intermediate size) envelopes if, and only if, as regards any two such envelopes, the member surrenders to the appropriate authority 3 ordinary prepaid envelopes previously issued to the member;
- (g) a member shall be entitled to receive prepaid (large size) envelopes if, and only if, as regards each such envelope, the member surrenders to the appropriate authority 3 ordinary prepaid envelopes previously issued to the member;
- (h) a member shall be entitled to receive prepaid (airmail) envelopes if, and only if, as regards any 3 of such envelopes, the member surrenders to the appropriate authority 5 ordinary prepaid envelopes previously issued to the member;
- (i) letters being sent by means of prepaid (airmail) envelopes shall be delivered to the appropriate authority for posting and shall be posted by it and any postal charge owing on such letters over and above the prepaid amount shall be paid to it by, or on behalf of, the member at the time such letters are delivered to it for posting;

and every such determination is final.

(2) For the purposes of this Regulation, the number of members of a parliamentary party shall be taken to be the number equal to the number of persons each of whom is for the time being—

- (a) a member of the political party concerned (being a political party registered in the Register of Political Parties), and
- (b) a member of either House of the Oireachtas or a member of the European Parliament:

Provided that where such a member is for the time being a member of the European Parliament, then for these purposes the fact that he or she is such a member shall be disregarded.

(3) For the purposes of this Regulation, the number of members of a group in Seanad Éireann shall be taken to be the number equal to the number of persons each of whom is for the time being—

- (a) a member of Seanad Éireann, and
- (b) a member of the group (within the meaning of the Standing Orders of Seanad Éireann) concerned.

Secretarial allowance — restrictions and conditions

9. (1) The amount of the secretarial allowance is:

- (a) in respect of a member of Dáil Éireann who has not opted for additional secretarial facilities under Regulation 3(b) of the Regulations of 2008, up to €41,092 each year, or where the first point of the parliamentary assistant pay scale is more than that amount, up to the amount of the first point each year;
- (b) in respect of a member of Seanad Éireann—
 - (i) up to 50 per cent of the amount payable under paragraph 1(a) per year where the member has not opted for additional secretarial facilities under Regulation 6(a) or (b) of the Regulations of 2008, or
 - (ii) €6,666 each year, where the member has opted for additional secretarial facilities working up to quarter-time under Regulation 6(b) of those Regulations;
- (c) in respect of a Minister of the Government, Minister of State or officeholder, up to €41,092 each year or where the first point of the parliamentary assistant pay scale is more than that amount, up to the amount of the first point each year;
- (d) in respect of a member of Dáil Éireann, including a Minister of the Government, Minister of State or officeholder who has not opted for

additional secretarial facilities under Regulation 3 (b) of the Regulations of 2008 and who does not avail of the amount specified under paragraph 1(a) or (c), and who so opts in writing, in such manner as directed by the Oireachtas Commission,—

(i) €8,888, and

(ii) an amount of €11,591 each year or, where 50 percent of the first point of the secretarial assistant pay scale is more than that amount, the amount of 50 percent of the first point each year;

(e) in respect of a member of Seanad Éireann, who is a Minister of the Government, Minister of State or officeholder, who does not avail of the amount specified under subparagraph (b) or (c), who has not opted for additional secretarial facilities working greater than quarter time under Regulation 6(b) of the Regulations of 2008, and who so opts in writing, in such manner as directed by the Oireachtas Commission,—

(i) €6,666, and

(ii) €11,591 each year or, where 50 percent of the first point of the secretarial assistant pay scale is more than that amount, the amount of 50 percent of the first point each year.

(2) The payment of the amount specified in this Regulation is subject to the following exceptions, restrictions and conditions:

(a) the amount payable under this Regulation or any portion of it, other than the amount referred to in paragraph (1)(b)(ii), (1)(d)(i) or (1)(e)(i), shall be payable only to the person or body who provides the service specified in paragraph (2)(b)(i) and (ii) where evidence in the form of vouchers or receipts is available to show that the expenses were incurred, in such manner as the Oireachtas Commission may, from time to time, direct;

(b) the expenses to which the amount payable under this Regulation may be applied are:

(i) the purchase of secretarial assistance, public relations, information technology (but not web related) and training services from a person employed under a contract of service or the purchase of such services under a contract for service, including any applicable tax and social insurance costs, or

(ii) payment of remuneration to persons providing secretarial services, other than remuneration to persons engaged under the Regulations of 2008;

(c) the amounts payable under this Regulation may not be applied to expenses which are otherwise provided for or reimbursed, directly or

indirectly, out of moneys provided by the Oireachtas, under these Regulations or otherwise, or to any of the following—

- (i) purchase of secretarial equipment,
- (ii) expenses relating to accommodation or premises such as purchase or rental of real property, maintenance and decoration,
- (iii) transport, travelling or subsistence expenses for members of the Houses of the Oireachtas or their employees,
- (iv) gifts, donations or entertainment,
- (v) postal, telephone or telemessage facilities, and
- (vi) any particular items of expenditure for which the member has already been fully reimbursed pursuant to any other statutory scheme.

(3) In this Regulation, “parliamentary assistant pay scale” and “secretarial assistant pay scale” means the pay scale of a person holding the position of parliamentary or secretarial assistant providing secretarial facilities to a member of Dáil Éireann or Seanad Éireann in accordance with the Regulations of 2008.

Allowance to Attorney General while not member of Oireachtas

10. The rate of allowance payable to the holder of the office of Attorney General while not a member is the sum of €12,000 for each year.

Allowance in respect of providing office accommodation

11. (1) Where a member of Dáil Éireann incurs expenses in establishing and equipping accommodation for his or her secretarial or Parliamentary assistant elsewhere than in Leinster House for the purpose of the member’s parliamentary duties, the Clerk of Dáil Éireann shall pay to the member a sum not exceeding €8,000 in final settlement of the expenses, (“constituency office establishment allowance”) following receipt of a claim for the expenses.

(2) A claim for payment of a sum under this Regulation shall be made to the appropriate authority in such form and contain such particulars as the Oireachtas Commission from time to time directs.

Revocations and saver

12. (1) The Regulations specified in the Schedule are revoked.

(2) Notwithstanding the revocation of regulations under paragraph (1), a member of the Oireachtas may, by 31 July 2010, claim an allowance in respect of expenses incurred in the 365 days prior to 1 January 2010 for travelling facilities and overnight payments as set out in the Oireachtas (Allowances to Members) (Travelling Facilities and Overnight Allowance) Regulations 1998 (S.I. No. 101 of 1998) as amended by the Oireachtas (Allowances to Members) (Travelling Facilities and Overnight Allowance) (Amendment) Regulations 1999 (S.I. No. 389 of 1999), and not previously reimbursed.

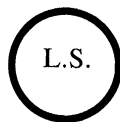
SCHEDULE

Regulation 12

Revocations

- (a) the Oireachtas (Travelling Facilities to Members) Regulations 1948 (S.I. No. 46 of 1948),
- (b) the Oireachtas (Travelling Facilities to Members) (Amendment) Regulations 1983 (S.I. No. 174 of 1983),
- (c) the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (Allowances) (No. 2) Regulations 1992 (S.I. No. 397 of 1992),
- (d) the Oireachtas (Allowances to Members) Regulations 1996 (S.I. No. 116 of 1996),
- (e) the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (Allowances) (Amendment) Regulations 1996 (S.I. No. 315 of 1996),
- (f) the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (Allowances) (Amendment) Regulations 1997 (S.I. No. 472 of 1997),
- (g) the Oireachtas (Allowances to Members) (Telephone and Postal Facilities) Regulations 1998 (S.I. No. 99 of 1998),
- (h) the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (Allowances) (Amendment) Regulations 1998 (S.I. No. 100 of 1998),
- (i) the Oireachtas (Allowances to Members) (Travelling Facilities and Overnight Allowance) Regulations 1998 (S.I. No. 101 of 1998),
- (j) the Oireachtas (Allowances to Members) (Travelling Facilities) (Amendment) Regulations 1998 (S.I. No. 234 of 1998),
- (k) the Oireachtas (Allowances to Members) (Travelling Facilities) (Amendment) Regulations 1998 (S.I. No. 235 of 1998),
- (l) the Oireachtas (Allowance to Member) (Telephone And Postal Facilities) (Amendment) Regulations 1998 (S.I. No. 457 of 1998),
- (m) the Oireachtas (Allowances to Members) (Telephone and Postal Facilities) (Amendment) Regulations 1999 (S.I. No. 86 of 1999),
- (n) the Oireachtas (Allowances to Members) (Telephone and Postal Facilities) (Amendment) Regulations 1999 (S.I. No. 388 of 1999),

- (o) the Oireachtas (Allowances to Members) (Travelling Facilities and Overnight Allowance) (Amendment) Regulations 1999 (S.I. No. 389 of 1999),
- (p) the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (Allowances) (Amendment) Regulations 2001 (S.I. No. 387 of 2001)
- (q) the Oireachtas (Allowances to Members) (Telephone and Postal Facilities) (Amendment) Regulations 2001 (S.I. No. 388 of 2001),
- (r) the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (Allowances) (Amendment) Regulations 2003 (S.I. No. 464 of 2003),
- (s) Oireachtas (Allowances to Members) (Secretarial Allowances) Regulations 2006 (S.I. No. 280 of 2006),
- (t) the Oireachtas (Allowances to Members) (Travelling Facilities and Overnight Allowances (Amendment) Regulations 2007 (S.I. No. 173 of 2007),
- (u) the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (Allowances) (Amendment) Regulations 2008 (S.I. No. 545 of 2008),
- (v) the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (Allowances) (Amendment) Regulations 2009 (S.I. No. 324 of 2009),
- (w) the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (Allowances) (Amendment) Regulations 2009 (S.I. No. 325 of 2009),
- (x) the Oireachtas (Allowances to Members) (Travelling Facilities) Regulations 2009 (S.I. No. 326 of 2009), and
- (y) the Oireachtas (Allowances to Members) (Constituency Telephone Allowances) Regulations 2009 (S.I. No. 327 of 2009).



GIVEN under my Official Seal,
25 March 2010.

BRIAN LENIHAN,
Minister for Finance.

EXPLANATORY NOTE

(This note is not part of the Regulations and does not purport to be a legal interpretation).

These Regulations make provision for, inter alia, the introduction of a single Parliamentary Standard Allowance which will replace a number of existing individual expense allowances.

The new single Parliamentary Standard Allowance which will have two strands as follows:

- A Travel and Accommodation allowance, and
- A Public Representation Allowance

Travel and Accommodation Element

Payments in respect of travel and accommodation will be set in bands based on travelling distance from Leinster House, verified by attendance recording subject to a minimum attendance requirement in Leinster House.

Public Representation Allowance

The Public Representation Allowance may, in the case of Deputies, be used for expenses related to constituency offices, mobile phones, home telephones, newspaper advertising, distribution of leaflets, newsletters, costs of relevant conferences and other engagements related to duties as a public representative, hire of rooms, replacement of equipment and web hosting and design.

Expenses related to constituency offices and equipment will not apply to Senators; they may claim for newspaper advertising, distribution of leaflets, newsletters, hire of rooms and conferences and other engagements related to their duties as a public representative.

TDs may receive an un-vouched amount of €15,000 per annum or a fully vouched amount of up to €25,700 per annum. Senators will have an un-vouched amount of €9,250 per annum and a vouched amount of up to €15,000 per annum.

Ministers will receive an un-vouched amount of €12,000 per annum or a fully vouched amount up to €20,000 per annum.

Audit

Where a claim exceeds the unvouched limit the amount claimed must be fully vouched. Such claims may be subject to audit and at least 10% of members may be audited each year.

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