



STATUTORY INSTRUMENTS.

S.I. No. 236 of 2014



LOCAL GOVERNMENT (EXPENSES OF LOCAL AUTHORITY
MEMBERS) REGULATIONS 2014

LOCAL GOVERNMENT (EXPENSES OF LOCAL AUTHORITY MEMBERS) REGULATIONS 2014

I, PHIL HOGAN, Minister for the Environment, Community and Local Government in exercise of the powers conferred on me by sections 4, 142 (as amended by section 53 of the Local Government Reform Act 2014 (No.1 of 2014) and 143 of the Local Government Act 2001 (No. 37 of 2001) and section 4 of the Local Government Reform Act 2014 (No.1 of 2014) and with the consent of the Minister for Public Expenditure and Reform (pursuant to the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)), hereby make the following regulations:—

PART I

1. These Regulations may be cited as the Local Government (Expenses of Local Authority Members) Regulations 2014.

2. (1) In these Regulations, except where the context otherwise requires—

“annual expenses allowance” means an annual expenses allowance for the purposes of Part II;

“attendance” means—

(i) in the case of a meeting of a local authority or of municipal district members or a committee or a joint committee or a joint policing committee, participation in the business of such meeting as a member of the relevant authority or municipal district, committee or joint committee, as the case may be,

(ii) in the case of a matter to which Parts IV and V apply, participation in such matter as a representative of a local authority;

“the Act” means the Local Government Act 2001 (No. 37 of 2001);

“committee” means a committee of a local authority established under Part VII of the Act;

“joint committee” means a joint committee of local authorities as provided for in section 52 of the Act;

“joint policing committee” means a committee established under section 36 of the Garda Síochána Act 2005 (No 20 of 2005);

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd June, 2014.*

“conference” means a conference, seminar or other meeting or event to which section 142(5) of the Act applies;

“local authority” has the meaning given by the Act;

“member” means a member of a local authority;

“municipal district” and “municipal district members” have the meaning given by the Act;

“official residence” means a person’s ordinary place of residence;

“strategic policy committee” means a committee established under section 48 of the Act;

“subsistence expenses allowance” means a subsistence expenses allowance for the purposes of article 9;

“training” means a training or training events to which section 142(5A) of the Act applies;

“travelling expenses allowance” means a travelling expenses allowance for the purposes of article 8.

(2) In these Regulations a reference to—

- (a) a Part which is not otherwise identified is a reference to a Part of these Regulations;
- (b) an article which is not otherwise identified is a reference to an article of these Regulations;
- (c) a sub-article, paragraph or sub-paragraph which is not otherwise identified is a reference to a sub-article, paragraph or sub-paragraph of the article, sub-article or paragraph in which the reference occurs.

(3) In these Regulations a reference to—

- (a) any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment.
- (b) a matter as being in accordance with or subject to or provided for in these Regulations or any provisions thereof shall be construed as including a reference to such matter being in accordance with or subject to or provided for in directions given under these Regulations.

Commencement.

3. These Regulations shall come into operation on the 1st June 2014.

PART II

ANNUAL EXPENSES ALLOWANCE

Payment of annual expenses allowance.

4. (1) A local authority shall, subject to and in accordance with these regulations, make payments to a member consisting of a composite annual allowance (in these Regulations referred to as an annual expenses allowance) not exceeding an amount determined in accordance with sub-articles (2) and (3) and article 5 in respect of travelling, subsistence and other expenses reasonably incurred in connection with the performance of the member's functions and duties, save as is otherwise provided for in these Regulations, in respect of each year or portion of year for which such person is a member.

(2) Where in any year a person is a member of a local authority for a period less than the full year, the annual expenses allowance payable to such person by that authority shall not exceed such proportion of the sum determined in accordance with article 5 as is equal to the proportion of a full year represented by the said period.

(3) (a) Where in any year a member attends less than the relevant number of meetings, the annual expenses allowance to be paid to the member shall be the proportion of the sum determined in accordance with sub-article (2) and article 5 as is equal to the proportion of the relevant number of meetings which the member attended during the year or portion of the year concerned.

(b) For the purposes of this article, "relevant number of meetings":

(i) means in the case of the travelling and subsistence elements of the annual expenses allowance as determined in accordance with paragraphs (a), (b), (c) and (d) of article 5(1), eight tenths of the sum of—

(I) the total number of meetings of the local authority and the relevant municipal district members held during the year or portion of the year concerned, and

(II) the total number of meetings of committees, joint committees and joint policing committees of which the person is a member held during the year or portion of the year concerned,

and in the case of the other expenses element of such annual expenses allowance as so determined (such expenses element being the fixed annual rate applicable in accordance with directions pursuant to article 17), five tenths of that sum, and

(ii) in the case of a fixed annual amount as determined in accordance with paragraph (e) of article 5 (1), shall be calculated, operate

and apply in such manner as may be specified by directions pursuant to article 17.

- (c) For the purposes of this sub-article, whenever a meeting of a local authority or of municipal district members or a committee or a joint committee of such authority or a committee of such municipal district members or joint policing committee is abandoned, owing to failure to obtain a quorum, a meeting of such authority or municipal district members or committee or joint committee or joint policing committee shall be deemed to have been held at the time and place appointed for such meeting and the members attending at such time and place shall be deemed to have attended such meeting.

Determination of annual expenses allowance.

5. (1) The annual expenses allowance payable in accordance with article 4 shall be determined as follows:—

- (a) In the case of a member of a local authority mentioned in Part I of the Schedule to these Regulations, an amount equal to the sum of—
- (i) the annual travel rate applicable in accordance with directions pursuant to article 17 multiplied by the relevant distance multiplied by eighty, and
 - (ii) the annual subsistence rate applicable in accordance with directions pursuant to article 17 multiplied by forty, and
 - (iii) the fixed annual rate applicable in accordance with directions pursuant to article 17.
- (b) In the case of a member of a local authority mentioned in Part II of the Schedule to these Regulations, an amount equal to the sum of—
- (i) the annual travel rate applicable in accordance with directions pursuant to article 17 multiplied by the relevant distance multiplied by one hundred and ten, and
 - (ii) the annual subsistence rate applicable in accordance with directions pursuant to article 17 multiplied by fifty five, and
 - (iii) the fixed annual rate applicable in accordance with directions pursuant to article 17.
- (c) In the case of a member of a local authority mentioned in Part III of the Schedule to these Regulations, an amount equal to the sum of—
- (i) the annual travel rate applicable in accordance with directions pursuant to article 17 multiplied by the relevant distance multiplied by one hundred and fifty, and

- (ii) the annual subsistence rate applicable in accordance with directions pursuant to article 17 multiplied by seventy five, and
 - (iii) the fixed annual rate applicable in accordance with directions pursuant to article 17.
- (d) In the case of a member of a local authority mentioned in Part IV of the Schedule to these Regulations, an amount equal to the sum of—
- (i) the annual travel rate applicable in accordance with directions pursuant to article 17 multiplied by the relevant distance multiplied by one hundred and seventy, and
 - (ii) the annual subsistence rate applicable in accordance with directions pursuant to article 17 multiplied by eighty five, and
 - (iii) the fixed annual rate applicable in accordance with directions pursuant to article 17.
- (2) For the purposes of sub-article (1), “relevant distance” means the greater of either—
- (i) the number of kilometres between the headquarters of the local authority and the member’s official residence measured along the shortest route by which the member could reasonably be expected to travel, or
 - (ii) 16 kilometres.

PART III

MOBILE TELEPHONE EXPENSES ALLOWANCES

6. (1) A local authority may, subject to and in accordance with these Regulations, make payments to a member consisting of an annual sum (in these Regulations referred to as an annual mobile telephone expenses allowance) not exceeding an amount determined in accordance with directions pursuant to article 17 in respect of mobile telephone expenses reasonably and necessarily incurred in connection with the performance of the member’s functions and duties in respect of each year or portion of year for which such person is a member.

(2) Where in any year a person is a member of a local authority for a period less than the full year, the mobile telephone expenses allowance payable to such person by that authority shall not exceed such proportion of the sum determined in accordance with directions pursuant to article 17 as is equal to the proportion of a full year represented by the said period.

PART IV

TRAVELLING AND SUBSISTENCE EXPENSES ALLOWANCES

Matters to which Part IV applies.

7. (1) This Part shall apply to the following:—

- (a) subject to the exclusion of the matters referred to in sub-article (2)—
 - (i) attendance, authorised by the local authority in accordance with section 142(5) of the Act and in accordance with any directions given by the Minister pursuant to article 17, by a member at a meeting, held at a place which is outside of the functional area of the authority or at a conference, seminar, or similar event at which the authority is, pursuant to subsection (5) of section 142 of the Act, entitled to be represented;
 - (ii) attendance, authorised by the local authority in accordance with section 142(5A) of the Act and in accordance with any directions given by the Minister pursuant to article 17, by a member at a training event;
 - (iii) a visit by a member, authorised by the local authority, in accordance with section 142(5) of the Act and in accordance with any directions given by the Minister pursuant to article 17, to an area with which the authority has or proposes to have twinning arrangements or other similar links pursuant to section 75 of the Act, in connection with, or in connection with the making of, such arrangements or links; and
- (b) such other matter as may be specified in directions given by the Minister pursuant to article 17.

(2) Subject to sub-article (3) below, the following shall be excluded from matters referred to in sub-article (1):—

- (a) attendance at a meeting of a local authority or of municipal district members or a committee or a joint committee or at a joint meeting of local authorities or a joint meeting of any such committees or a joint policing committee;
- (b) attendance at a meeting of any public authority or of any committee, sub-committee, joint committee or other group of, or appointed by, or of any body established by, such authority, as a member of such public authority, committee, sub-committee, joint committee, group or body,
- (c) any matter in respect of which expenses have been paid by or are payable by or have been claimed from a person or body other than the local authority;

(d) such other matter as may be specified in directions given by the Minister.

(3) Without prejudice to the provisions of sub article (2) above, the Minister may give directions with regard to the payment of expenses to members of River Basin District Advisory Councils, established under the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended by the European Communities (Water Policy) (Amendment) Regulations 2005 (S.I. No. 413 of 2005).

Payment of travelling expenses allowances.

8. Where travelling expenses are incurred by a member in connection with a matter to which this Part applies, the local authority may, subject to and in accordance with directions given by the Minister under article 17, pay a travelling expenses allowance to such member.

Payment of subsistence expenses allowances.

9. Where a member is obliged by reason of a matter to which this Part applies to remain away from his or her official residence for a continuous period of three hours or more a local authority may, subject to and in accordance with directions given by the Minister under article 17, pay a subsistence expenses allowance to such member.

Allowances for non-members of local authority.

10. (1) This article applies to a person who is not a member of a local authority but who is a member of a committee, a joint committee, or a joint policing committee.

(2) The provisions of articles 8 and 9 shall apply in respect of a person to whom this article applies as if such person was a member.

(3) A local authority may, by resolution and subject to and in accordance with directions given by the Minister under article 17, decide to pay travelling or subsistence expenses allowances in respect of the attendance by persons to whom this article applies at meetings of committees or joint committees or joint policing committee of which they are members and while such resolution is in force such attendance shall, for the purposes of this article, be deemed to be a matter to which this Part applies.

PART V

ALLOWANCES FOR EXPENSES FOR ATTENDANCE AT CONFERENCES AND TRAINING

Allowances for expenses for attendance at conferences.

11. (1) Subject to and in accordance with directions given by the Minister under article 17, the maximum amount which a local authority may provide for the payment of allowances for expenses incurred by its members in connection with attendance at conferences for the period from 1 June 2014 to 31 December 2014 is €350 multiplied by the number of members of the authority, and for each subsequent year is €700 multiplied by the number of members of the authority.

(2) Nothing in these Regulations shall prevent a local authority from providing in its budget for the payment of an amount less than that specified in sub-article (1).

Allowances for expenses for attendance at training.

12. Subject to and in accordance with directions given by the Minister under article 17, local authorities may provide for payment of allowances for expenses incurred by its members in connection with attendance at training which is provided by:—

- (a) the Association of Irish Local Government, being a local authority association for the purposes of section 225 of the Act,
- (b) no more than 2 events per annum provided by the Local Authority Members' Association,
- (c) national representative bodies for functions for which local authorities have responsibilities,
- (d) programmes of education and training which relate to functions for which local authorities have responsibilities and which are validated by the Quality and Qualifications Assurance Authority of Ireland established by the Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28 of 2012), and
- (e) such other training which may be approved by the Minister from time to time.

PART VI

ALLOWANCES FOR CERTAIN CHAIRPERSONS

Chairperson of a Strategic Policy Committee.

13. A local authority may, subject to and in accordance with directions given by the Minister under article 17, pay an allowance to a Chairperson of a Strategic Policy Committee.

Cathaoirleach and Leas-Chathaoirleach.

14. (1) Payment of an allowance to a Cathaoirleach and Leas-Chathaoirleach of a local authority shall be subject to and in accordance with directions given by the Minister under article 17.

(2) Payment of an allowance to a Cathaoirleach of a municipal district by a local authority shall be subject to and in accordance with directions given by the Minister under article 17.

Part VII

GENERAL

Local authority associations.

15. Without prejudice to the generality of article 17, the Minister may give directions in relation to expenses of members of local authorities in connection with representation by them of such authorities on the Association of Irish Local Government or the Local Authority Members' Association.

Payments in accordance with regulations, etc.

16. (1) A local authority shall not make a payment in respect of travelling or subsistence expenses allowances or in respect of any matter referred to in section 142 of the Act to a member or to a member of a committee or a joint committee, or to a Cathaoirleach of a municipal district in accordance with section 143 of the Act, except in accordance with the Act and with these Regulations.

(2) A local authority shall not make a payment in respect of travelling or subsistence expenses allowances or in respect of any matter referred to in section 142 of the Act to a member or to a member of a committee or a joint committee, or to a Cathaoirleach of a municipal district in accordance with section 143 of the Act, unless it is satisfied that such a payment and the amount of the proposed payment can properly be made in accordance with the Act and with these Regulations.

Directions.

17. (1) The Minister may from time to time give directions with regard to any matter referred to in section 142 of the Act, or with regard to payment to a Cathaoirleach and Leas-Chathaoirleach of a local authority, or a Cathaoirleach of a municipal district in accordance with section 143 of the Act, or in these Regulations or any other matter which appears to him to be necessary or expedient for the purposes of the said section 142 or with regard to payment to a Cathaoirleach and Leas-Chathaoirleach of a local authority, or a Cathaoirleach of a municipal district in accordance with section 143 of the Act.

(2) Without prejudice to the generality of sub-article (1) the Minister may from time to time give directions with regard to all or any of the following matters:

- (a) the calculation of "relevant number of meetings" for the purposes of article 4(3)(b);
- (b) the annual travel rate to be applied for the purposes of sub-paragraph (i) of paragraphs (a), (b), (c) and (d) respectively of article 5 (1),
- (c) the annual subsistence rate to be applied for the purposes of sub-paragraph (ii) of paragraphs (a), (b), (c) and (d) respectively of article 5 (1),

- (d) the fixed annual rate in respect of general representational expenses to be applied for the purposes of sub-paragraph (iii) of paragraphs (a), (b), (c) and (d) respectively of article 5 (1),
- (e) the arrangements in respect of, or amounts to be applied for the purpose of, article 6 in respect of the annual mobile telephone expenses allowance,
- (f) the scale of travel rates to be applied for the purposes of article 8,
- (g) the scale of subsistence rates to be applied for the purposes of article 9,
- (h) the rules, requirements, conditions, restrictions, limits, procedures or any other provisions which shall apply in connection with the claiming or payment of a mobile telephone expenses allowance, a travelling expenses allowance or a subsistence expenses allowances, or the payment of an annual expenses allowance,
- (i) the matters in respect of which, the purposes for which, the circumstances in which or the distance or periods in respect of which travelling expenses allowances or subsistence expenses allowances may or may not be claimed or paid or annual expenses allowances paid,
- (j) the method by which or manner in which annual expenses allowances, mobile telephone expenses allowances, travelling expenses allowances or subsistence expenses allowances shall be calculated, paid or claimed,
- (k) matters specified for the purposes of article 7,
- (l) the allowances or scale of allowances to be applied for the purposes of articles 11 and 12 and any conditions subject to which those allowances may be paid,
- (m) particulars to be recorded in the annual report of a local authority relating to expenses of members of local authorities and allowance for non members of local authorities, representation of local authorities at training events, meetings, conferences, seminars or other similar events or any other related matters,
- (n) requirements to be complied with by local authorities in connection with authorisations for the purposes of sections 142(5) and 142(5A) of the Act,
- (o) requirements to be complied with the local authorities in connection with the maintenance of the public register of attendances and payments for the purposes of section 142(4)(g) and (ga) of the Act,
- (p) any other requirements to be complied with by
 - (i) local authorities or by members, members of committees, or members of joint committees in connection with the payment of

or claiming of mobile telephone expenses allowances, travelling expenses allowances or subsistence expenses allowances or with the payment of annual expenses allowances, or

- (ii) specified members of joint policing committees in connection with the payment of or claiming of travelling expenses allowances or subsistence expenses allowances.

Revocations

18. The Local Government (Expenses of Local Authority Members) Regulations 2006 (S.I. No. 668 of 2006) and the Local Government Act 2001 (Section 142) Regulations 2010 (S.I. No. 37 of 2010) are hereby revoked.

SCHEDULE

Local Authority Groupings for the Purposes of Article 5

Part I

The councils of the counties of Carlow, Cavan, Kilkenny, Laois, Leitrim, Louth, Longford, Monaghan, Offaly, Roscommon, Sligo, and Westmeath and the council of the city of Galway.

Part II

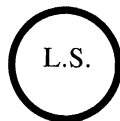
The councils of the counties of Clare, Donegal, Galway, Kerry, Kildare, Mayo, Meath, Tipperary, Wexford and Wicklow, the councils of the cities and counties of Limerick and Waterford and the council of the city of Cork.

Part III

The councils of the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin.

Part IV

The council of the county of Cork and the council of the city of Dublin.



GIVEN under the Official Seal of the Minister for the Environment, Community and Local Government,
29 May 2014.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

The Minister for Public Expenditure and Reform hereby consents to the Local Government (Expenses of Members of Local Authorities) Regulations 2014.



GIVEN under the Official Seal of the Minister for Public Expenditure
and Reform,
29 May 2014.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.

EXPLANATORY NOTE

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

These Regulations provide for the payment of expenses to members of local authorities in accordance with section 142 of the Local Government Act 2001, and for payment of allowances to Cathaoirligh and Leas-Chathaoirligh of local authorities, and Cathaoirligh of municipal districts in accordance with section 143 of the same Act.

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