

Assembly Members (Salaries and Expenses) (Period in which Assembly not functioning) Determination (Northern Ireland) 2022

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Section 10 of the Northern Ireland (Executive Formation etc) Act 2022 confers on the Secretary of State the function of making determinations, as to –

- (a) the salaries and allowances payable under section 47 of the Northern Ireland Act 1998 during a period in which the Northern Ireland Assembly is not functioning, and
- (b) the allowances and gratuities payable under section 48 of the Northern Ireland Act 1998 during a period in which the Northern Ireland Assembly is not functioning.

In exercise of this power, the Secretary of State makes the following Determination.

Salaries and expenses during period in which Assembly not functioning

1. The Assembly Members (Salaries and Expenses) Determination (Northern Ireland) 2016 continues to apply during the period in which the Assembly is not functioning, but with the amendments set out in this Determination.

Commencement and expiry of this Determination

2. (1) This Determination comes into operation on 1 January 2023.

(2) This Determination, and the amendments it makes to the 2016 Determination, expires on the expiry of the next day on which the Speaker and Deputy Speakers are in post.

(3) In sub-paragraph (2), a reference to the Speaker and Deputy Speakers being in post is a reference to their being in post having been elected under section

39(1) of the Northern Ireland Act 1998 after 6 December 2022 (being the date the Northern Ireland (Executive Formation etc) Act 2022 was passed).

Meaning of “reduced salary period”

3. (1) In paragraph 47(2) of the 2016 Determination insert the following definition in the appropriate place in alphabetical order –

““reduced salary period” means the period commencing on (and including) 1 January 2023 and ending with the expiry of the next day on which the Speaker and Deputy Speakers are in post,”.

(2) After paragraph 47(2) of the 2016 Determination insert –

“(2A) In this Determination, a reference to the Speaker and Deputy Speakers being in post is a reference to their being in post having been elected under section 39(1) of the Northern Ireland Act 1998 after 6 December 2022 (being the date the Northern Ireland (Executive Formation etc) Act 2022 was passed).”.

Salary

4. After paragraph 1 of the 2016 Determination insert –

“Salary during period in which Assembly not functioning

1B. (1) This paragraph applies during the reduced salary period.

(2) A member is entitled to the annual salary as set out in Table 1B, not the annual salary as set out in Table 1.

(3) Salaries are to be paid in accordance with the procedure set out in paragraph 1(2).

(4) Where a member is in a role listed in Table 1B for only part of the year, the salary is to be reduced accordingly.

(5) Where a member falls within more than one role listed in Table 1B, the member is only to be paid the salary of the highest paid category.

Table 1B – Member’s annual salary during reduced salary period

Role	Annual Salary
Member	£37,337.50
Member of the Commission	£42,137.50
Speaker	£57,297.50
Principal Deputy Speaker or Deputy Speaker	£38,837.50

(6) Sub-paragraph (7) applies where a person is not a member of the Assembly but, by virtue of a provision of the Northern Ireland Act 1998, still holds an

office for which a salary is payable under Table 1B (for example because that person did not stand for re-election following dissolution of the Assembly).

(7) That person's salary is reduced by the amount a member is entitled to (under Table 1B) by virtue of being a member only."

Salary: inflationary increases

5. After paragraph 3(3) of the 2016 Determination insert –

"(4) No member is entitled to the inflationary increase referred to in sub-paragraph (1) in respect of the reduced salary period.

(5) But, at the end of the reduced salary period, the figures in Table 1 are to be treated as if they had increased in accordance with sub-paragraph (1)."

Constituency office leases

6. At the end of paragraph 13 of the 2016 Determination insert –

"(9) Where a lease is commenced during the reduced salary period, no expenses may be recovered unless the lease includes a clause entitling the member to terminate the lease by giving notice of up to 3 months."

Annual Assembly travel allowance

7. After paragraph 26 of the 2016 Determination insert–

"Annual Assembly travel allowance during period commencing 1 April 2023 in which Assembly not functioning

26B. (1) This paragraph applies during the period commencing on (and including) 1 April 2023 and ending with the expiry of the next day on which the Speaker and Deputy Speakers are in post.

(2) Where this paragraph applies, paragraph 26 does not apply.

(3) A member is entitled to an annual Assembly travel allowance, for travel from the member's constituency to the Assembly, in accordance with this paragraph.

(4) The allowance is determined by reference to the constituency the member represents, as set out in Table 3.

(5) The member is entitled to the full allowance if the member travels to the Assembly, in connection with the member's exercise of functions as a member, for 100 or more days a year. For each day less than this that the member travels, the allowance is reduced by 1%.

(6) A member must keep a record of travel to the Assembly.

(7) A member is not entitled to the allowance if the member uses an official car for travelling to the Assembly, and if a member uses an official car for part of the year, the allowance is reduced accordingly.

(8) Where this paragraph applies for part of a year, the annual allowance must be calculated in accordance with the proportion of the year for which this paragraph applies.”.

Staff appointments

8. At the end of paragraph 33 of the 2016 Determination insert–

“(10) During the reduced salary period, members must not appoint employees for a contractual term that exceeds one year (although employees may be re-appointed at the expiry of a contractual term).”.

Further amendments to the 2016 Determination

9. (1) The 2016 Determination is further amended as follows.

(2) In paragraph 2(2) after “Table 1” insert “or Table 1B (as the case may be)”.

(3) In paragraph 28, after sub-paragraph (3) insert –

“(3A) For the avoidance of doubt, the resettlement allowance is not to be calculated by reference to Table 1B.”.

(4) In paragraph 29, after sub-paragraph (3) insert –

“(3A) For the avoidance of doubt, the ill-health retirement allowance is not to be calculated by reference to Table 1B.”.

Interpretation

10. (1) The Interpretation Act (Northern Ireland) 1954 applies to this Determination as it applies to an Act of the Northern Ireland Assembly.

(2) In this Determination “the 2016 Determination” means the Assembly Members (Salaries and Expenses) Determination (Northern Ireland) 2016.

Title

11. This Determination may be cited as the Assembly Members (Salaries and Expenses) (Period in which Assembly not functioning) Determination (Northern Ireland) 2022.