



STATUTORY INSTRUMENTS.

S.I. No. 313 of 2021

LOCAL GOVERNMENT (EXPENSES OF LOCAL AUTHORITY
MEMBERS) REGULATIONS 2021

**LOCAL GOVERNMENT (EXPENSES OF LOCAL AUTHORITY
MEMBERS) REGULATIONS 2021**

I, PETER BURKE, Minister of State at the Department of Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 4, 142 and 143 (as amended by section 53 of the Local Government Reform Act 2014 (No.1 of 2014)) of the Local Government Act 2001 (No. 37 of 2001) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. No. 559 of 2020) and with the consent of the Minister for Public Expenditure and Reform (pursuant to the Ministers and Secretaries Acts 1924 to 2020) hereby make the following regulations:

Part 1

1 These Regulations may be cited as the Local Government (Expenses of Local Authority Members) Regulations 2021.

2 These Regulations shall come into operation on 1 July 2021.

3 (1) In these Regulations, except where the context otherwise requires:

"annual expenses allowance" means an annual expenses allowance for the purposes of Part 2;

"committee" means a committee of a local authority, established under Part 7 of the 2001 Act;

"joint committee" means a joint committee of local authorities as provided for in section 52 of the 2001 Act;

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

"conference" means a conference, seminar or other meeting or event to which section 142(5) of the Act of 2001 applies;

"local authority" has the meaning given by the Act of 2001;

"member" means a member of a local authority and includes a Cathaoirleach and Leas-Chathaoirleach;

"municipal district" and "municipal district members" have the meaning given by the Act of 2001;

"official residence" means a person's ordinary place of residence;

"strategic policy committee" means a committee established under section 48 of the Act of 2001;

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

"training" means a training or training events to which section 142(5A) of the Act of 2001 applies;

(2) For the purpose of these Regulations all members whose names are recorded as having been present at a meeting in the minutes of the proceedings drawn up under Schedule 10, Part 14 of the Act of 2001 shall be deemed to have attended that meeting.

Part 2

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) in respect of each year or portion of year for which such person is a member.

(2) The amount of the annual expenses allowance paid to a member shall be determined in accordance with paragraphs (3) and (4) and Regulation 5 in respect of expenses reasonably incurred in connection with the performance of the member's functions and duties, save as is otherwise provided for in these Regulations,

(3) 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 Regulation 5 as is equal to the proportion of a full year represented by the said period.

(4) (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 paragraph (3) and Regulation 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 Regulation, "relevant number of meetings" means eighty per cent 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.

(5) Whenever a meeting is abandoned owing to failure to obtain a quorum, the names of those members present shall be recorded and they shall be

deemed to have attended a duly constituted meeting for the purpose of paragraph (4).

Determination of annual expenses allowance

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

- (a) In the case of a member of a local authority mentioned in Part 1 of the Schedule to these Regulations, an amount equal to the sum of the following:
 - (i) the annual travel rate applicable in accordance with directions pursuant to Regulation 17 multiplied by the relevant distance multiplied by eighty; and
 - (ii) the annual subsistence rate applicable in accordance with directions pursuant to Regulation 17 multiplied by forty.
- (b) In the case of a member of a local authority mentioned in Part 2 of the Schedule to these Regulations, an amount equal to the sum of the following:
 - (i) the annual travel rate applicable in accordance with directions pursuant to Regulation 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 Regulation 17 multiplied by fifty five.
- (c) In the case of a member of a local authority mentioned in Part 3 of the Schedule to these Regulations, an amount equal to the sum of the following:
 - (i) the annual travel rate applicable in accordance with directions pursuant to Regulation 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 Regulation 17 multiplied by seventy five.
- (d) In the case of a member of a local authority mentioned in Part 4 of the Schedule to these Regulations, an amount equal to the sum of the following:
 - (i) the annual travel rate applicable in accordance with directions pursuant to Regulation 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 Regulation 17 multiplied by eighty five.

(2) For the purposes of paragraph (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 3

Local Representation Allowance

6 (1) An amount of not more than €5,160 per annum is payable to a member in respect of expenses (other than expenses provided for elsewhere in these Regulations) which the member is obliged to incur in the performance of his or her duties as a member, where evidence in the form of vouchers or receipts is available to show that the expenses were incurred, except for an amount of not more than €80 per month which may be used for incidental expenditure without evidence in the form of vouchers or receipts.

(2) Where in any year a person is a member of a local authority for a period less than the full year, the maximum annual amount of the local representation allowance payable to that member shall be reduced on a proportionate basis.

(3) Each member who chooses to claim expenses under paragraphs (1) or (2) shall on an annual basis provide written notification to his or her local authority of the monthly amount that he or she wants to receive in equal instalments during the year subject to the maximum annual amount not being exceeded.

(4) (a) Where in any year a member attends less than the relevant number of meetings, the local representation allowance to be paid to the member shall be the proportion of the sum determined in accordance with paragraphs (1) to (3) 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 Regulation, "relevant number of meetings" means fifty per cent 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.

(5) If additional expenditure is incurred by a member in excess of the amount claimed for under paragraph (3) at the start of that year then he or she may apply to his or her local authority, before 1 December each year, for a supplementary payment equivalent to the differential between actual expenditure incurred and the total amount received to date under paragraph (2) subject to the maximum annual amount set out in paragraphs (1) and (2) not being exceeded.

(6) Each member who is paid an amount under paragraph (1) shall, in accordance with such directions as the Minister may give under Regulation 17, retain evidence in the form of invoices and receipts to show that the expenses were incurred.

(7) Expenses under the local representation allowance shall not be claimed by a member or payable by a local authority for which expenses payments are separately made to that member by another body.

(8) Each member who is paid expenses under paragraphs (1) to (3) shall, no later than 1 February of each year, provide to his or her local authority a written certification of expenditure incurred during the preceding year in such form as set out in directions the Minister may give under Regulation 17.

(9) If a member has incurred less expenditure at the end of a year than the total amount of monthly payments under paragraph (3) that he or she received during that year then he or she shall refund the differential between the amount received and the actual expenditure incurred to his or her local authority.

(10) Where a refund for overpayment is due under paragraph (9) a member may either:

- (a) repay the amount to the local authority no later than 1 February of the following year; or
- (b) notify his or her local authority in writing no later than 1 February of the following year that he or she wishes to receive a reduction to subsequent payments received under paragraphs (1) and (2) until such time as the amount of the overpayment has been refunded.

(11) Where a local authority becomes aware of an overpayment having been made to a member and arrangements for a refund have not been made by the member under paragraph (10) then the local authority shall issue a written notice to the member that a reduction to subsequent payments made to the member under paragraphs (1) to (3) will be applied until such time as the amount of the overpayment has been refunded and this period of reduced payments will commence one month after the issuing of the written notice.

Part 4

Travelling and Subsistence Expenses Allowances

Matters to which Part 4 applies

7 (1) This Part applies to the following subject to the exclusion of the matters referred to in paragraph (2):

- (a) attendance, authorised by the local authority in accordance with section 142(5) of the Act of 2001 and in accordance with any directions given by the Minister pursuant to Regulation 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 of 2001, entitled to be represented;

- (b) attendance, authorised by the local authority in accordance with section 142(5A) of the Act of 2001 and in accordance with any directions given by the Minister pursuant to Regulation 17, by a member at a training event; and
 - (c) a visit by a member, authorised by the local authority, in accordance with section 142(5) of the Act of 2001 and in accordance with any directions given by the Minister pursuant to Regulation 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 of 2001, in connection with, or in connection with the making of, such arrangements or links.
 - (d) Such other matters as may be specified in directions given by the Minister.
- (2) The following shall be excluded from matters referred to under paragraph (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; and
 - (d) such other matter as may be specified in directions given by the Minister.

Travelling and subsistence expenses

8 Where expenses are incurred by a member arising from an authorised attendance under Regulation 7 the local authority may, subject to and in accordance with directions given by the Minister under Regulation 17, reimburse such member at the prevailing Civil Service rates for travel and subsistence authorised by the Minister for Public Expenditure and Reform.

Allowances for non-members of local authority

9 (1) This Regulation applies to a person who is not a member of a local authority but who is a member of a committee, a joint committee, a county or city development board, or a joint policing committee.

(2) Regulation 8 shall apply in respect of a person to whom this Regulation 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 Regulation 17, decide to pay travelling or subsistence expenses allowances in respect of the attendance by persons to whom this Regulation applies at meetings of committees or joint committees of which they are members and while such resolution is in force such attendance shall, for the purposes of this Regulation, be deemed to be a matter to which this Part applies.

Part 5

Allowances for expenses for attendance at conferences and training

Allowances for expenses for attendance at conferences

10 (1) The maximum annual amount which a local authority may provide for the payment of allowances for expenses incurred by its members in connection with attendance at conferences 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 paragraph (1).

Allowances for expenses for attendance at training

11 Local authorities may provide for payment of allowances for expenses incurred by its members in connection with attendance at training which is provided by any of the following:

- (a) the Association of Irish Local Government, being a local authority association for the purposes of section 225 of the Act of 2001;
- (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 in relation to functions for which local authorities have responsibilities which are validated by Quality and Qualifications Assurance Authority of Ireland established under the Qualifications and Quality Assurance (Education and Training) Acts 2012 to 2019; and
- (e) such other training which may be approved by the Minister from time to time.

12 Where expenses are incurred by a member arising from an authorised attendance under Regulations 10 and 11, the local authority may, subject to and in accordance with directions given by the Minister under Regulation 17,

reimburse such member at the prevailing Civil Service rates for travel and subsistence authorised by the Minister for Public Expenditure and Reform.

Part 6

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 Regulation 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 Regulation 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 Regulation 17.

Part 7

General

Local authority associations

15 Without prejudice to the generality of Regulation 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

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 2001 to a member or to a member of a committee or a joint committee, or to a Cathaoirleach and Leas-Chathaoirleach of a Municipal District in accordance with section 143 of the Act of 2001, except in accordance with the Act of 2001 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 of 2001 to a member or to a member of a committee or a joint committee, or to a Cathaoirleach and Leas-Chathaoirleach of a Municipal District in accordance with section 143 of the Act of 2001, unless it is satisfied

that such a payment and the amount of the proposed payment can properly be made in accordance with the Act of 2001 and with these Regulations.

Directions

17 (1) The Minister may give directions from time to time with regard to any matter referred to in these Regulations.

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

- (a) the calculation of the “relevant number of meetings” for the purposes of Regulation 4(4);
- (b) the annual travel rate to be applied for the purposes of Regulation 5(1);
- (c) the annual subsistence rate to be applied for the purpose of Regulation 5(1);
- (d) the rules, requirements, conditions, restrictions, limits, procedures or any other provisions which shall apply in connection with the claiming or payment of any allowance provided for under these Regulations;
- (e) the matters in respect of which, the purposes for which or the circumstances in which travelling and subsistence expenses may or may not be claimed or paid;
- (f) the method by which or manner in which annual expenses allowances shall be calculated, paid or claimed;
- (g) the eligible expenditure categories against which the local representation allowance may or may not be claimed or paid;
- (h) matters specified for the purposes of Regulation 7;
- (i) the allowances or scale of allowances to be applied for the purposes of Regulations 10 and 11 and any conditions subject to which those allowances may be paid;
- (j) particulars to be recorded in the annual report of a local authority relating to expenses paid to members and non-members of local authorities, representation of local authorities at training events, meetings, conferences, seminars or other similar events or any other related matters;
- (k) requirements to be complied with by local authorities in connection with authorisations for the purposes of sections 142 and 143 of the Act;
- (l) any other requirements to be complied with by local authorities, members, members of committees or members of joint committees in connection with the payment of or claiming of any allowance provided for under these Regulations;

- (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; and
- (p) any other requirements to be complied with by local authorities or by members in connection with the payment or claiming of allowances provided for under these Regulations.

18 (1) A local authority shall establish and maintain on its website a public register of all payments made to its members under these Regulations.

(2) Without prejudice of the generality of paragraph (1), the register shall include in respect of each member:

- (a) A record of attendance for each member at meetings of the local authority and of its municipal districts, committees and joint committees of which that member is also a member of.
- (b) The amount of payments to each member under these Regulations.
- (c) The date from which a member ceased to be a member of the local authority.
- (d) Any other information as may be specified by the Minister in directions issued under Regulation 17.

Revocations

18 The Local Government (Expenses of Local Authority Members) Regulations 2014 (S.I. No. 236 of 2014) and the Local Government (Expenses of Local Authority Members) (Amendment) Regulations 2014 (S.I. No. 494 of 2017) are revoked.

SCHEDULE

Local Authority Groupings for the Purposes of Regulation 5

Part 1

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 2

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 3

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

Part 4

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

GIVEN under my hand,
28 June 2021

PETER BURKE,
Minister of State at the Department of Housing, Local Government
and Heritage.

The Minister for Public Expenditure and Reform hereby consent to the Local
Government (Expenses of Local Authority Members) Regulations 2021



GIVEN under the Official Seal of the Minister for Public
Expenditure and Reform,
29 June, 2021.

MICHAEL MCGRATH,
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 by local authorities of allowances for expenses to elected members of local authorities in accordance with section 142 and to Chathaoirligh and Leas-Chathaoirligh in accordance with section 143 of the Local Government Act 2001.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2,
D02 DR67.

Tel: 076 110 6834
E-mail: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2,
D02 DR67.

Tel: 076 110 6834
E-mail: publications@opw.ie



€ 3.50

(LGGEMS-7) 75. 6/21. Propylon.