



STATUTORY INSTRUMENTS.

S.I. No. 283 of 2024

LOCAL GOVERNMENT (EXPENSES OF LOCAL AUTHORITY
MEMBERS) (AMENDMENT) REGULATIONS 2024

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I, ALAN DILLON, 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 2024 (S.I. No. 234 of 2024) and with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform (pursuant to the Ministers and Secretaries Acts 1924 to 2020) hereby order as follows:

1. These Regulations may be cited as the Local Government (Expenses of Local Authority Members) (Amendment) Regulations 2024.

2. The Local Government (Expenses of Local Authority Members) Regulations 2021 (S.I. No. 313 of 2021) are hereby amended by:

(a) the substitution of the following for regulation 6:

“6. (1) Except in any year where local elections are held, an amount of not more than €5,160 per annum is payable to a member in respect of eligible 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, and 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) Notwithstanding paragraph (1), 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, and calculated on a pro rata basis.

(3) A local authority shall decide, by the end of the calendar year, to pay the vouched portion of this allowance to councillors in the following year:

- (a) in arrears, on the basis of vouched expenditure made in advance of payment and subject to the provision of evidence of such expenditure as required in such directions as the Minister may give under Regulation 17, up to a maximum of €350 per month; or,
- (b) in advance of expenditure, in anticipation of the subsequent provision of appropriate evidence of expenditure incurred at such intervals as stipulated in such directions as the

Minister may give under Regulation 17, up to a maximum of €350 per month.

(4) Where a local authority decides to pay the local representation allowance to members in advance, per paragraph 3(b), the local authority shall put in place the necessary arrangements for individual members who wish to be paid in arrears.

(5) Should a local authority decide to pay the vouched portion of this allowance in arrears in accordance with paragraph (3)(a) and (4) that local authority shall make provision to facilitate the pre-payment of single, larger eligible expenses, in whole or in part, subject to the maximum amount under (1).

(6) Should a local authority decide to pay the vouched portion of this allowance in advance, in accordance with paragraph (3)(b), each member of that local authority 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 set out in (1) not being exceeded.

(7) (a) Where in any year a member attends less than the relevant number of meetings, the amount of the local representation allowance to be paid to the member shall be the proportion of the sum determined in accordance with paragraphs (1) to (4) of the Regulations 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.

(8) If additional expenditure is incurred by a member in excess of the amount claimed for under paragraph (6) 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 (6) subject to the maximum annual amount set out in paragraphs (1) and (2) not being exceeded.

(9) Each member who seeks to claim an amount under paragraphs (1), (2) and (3)(a) and (4) shall, subject to and, in accordance with such directions as the Minister may give under Regulation 17, submit evidence in the form of vouchers and receipts to show that the expenses have been incurred in advance of receiving payment.

(10) Each member who is paid an amount under paragraph (1), (2) and (3)(b) 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.

(11) 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.

(12) (a) Should a local authority decide to pay the vouched portion of this allowance in advance, in accordance with paragraph (3)(b), that local authority shall conduct a quarterly review of each member's submitted vouchers and receipts along with his or her expenditure and advise a member where he or she has incurred less expenditure than he or she has claimed under the local representation allowance.

(b) Following a quarterly review, the local authority may, in consultation with the member, review remaining payments under that allowance to that member with the aim that no overpayment results by year end.

(c) Where a quarterly review identifies that an overpayment is due to be repaid by a person who ceases to be a member of the local authority during the review period, the local authority shall issue a written notice to him or her requiring him or her to enter into an arrangement with the local authority within one month of having received the written notice to repay the amount, with the full repayment to be made as soon as possible.

(13) Each member who is paid expenses under paragraphs (1) to (6) 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.

(14) Where a member has:

(a) Incurred less eligible expenditure at the end of a year than the total amount of monthly payments under paragraph 3(b) that he or she received during that year under paragraph (6); or,

(b) Received a supplementary payment under paragraph (8) that is in excess of the total eligible expenditure incurred by him or her by year end,

then he or she shall refund the differential between the amount received and the total eligible expenditure incurred to his or her local authority.

(15) Where a refund for overpayment is payable under paragraph (14) a member shall either:

- (a) repay the amount to the local authority no later than 1 February of the year following that in which the overpayment was incurred; or
- (b) notify his or her local authority in writing no later than 1 February of the year following that in which the overpayment was incurred 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.

(16) Where, after 1 February, 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 (15), then the local authority shall:

- (a) issue a written notice to the member, requiring him or her to enter into an arrangement with the local authority within one month of having received the written notice to repay the amount, with the full repayment to be made as soon as possible; or
- (b) issue a written notice to the member informing him or her that a reduction to subsequent payments made to the member under paragraphs (1) to (4) will be applied until such time as the amount of the overpayment has been refunded and that this period of reduced payments will commence one month after the issuing of the written notice.”

The Minister for Public Expenditure, National Development Plan Delivery and Reform consents to the making of the foregoing Regulations.



L.S.

GIVEN under my Official Seal,
5 June, 2024.

PASCHAL DONOHOE,
Minister for Public Expenditure, National Development
Plan Delivery and Reform.

GIVEN under my hand,
11 June 2024

ALAN DILLON,
Minister for State at the Department of Housing, Local Government
and Heritage

EXPLANATORY NOTE

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

These Regulations amend the administration of the Local Representation Allowance payable to members of a local authority to provide for local authorities to pay the allowance to members in arrears. The Regulations also provide additional options for local authorities and members in addressing the issue of overpayments, which arise when a member receives a payment in excess of their eligible vouched expenditure for the year.

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