



AN BILLE UM AN OIREACHTAS (LIÚNTAIS DO  
CHOMHALTAÍ)(LEASÚ), 1993  
OIREACHTAS (ALLOWANCES TO MEMBERS)  
(AMENDMENT) BILL, 1993

*Mar a tionscnaíodh*  
*As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Allowances to chairmen of Oireachtas Committees.
3. Allowance to Leader of the House in Seanad Éireann.
4. Payment of allowances.
5. Increase of allowances corresponding with general increase of remuneration in Civil Service.
6. Amendment of section 6A of Principal Act.
7. Secretarial assistance allowances to members of Dáil Éireann.
8. Secretarial assistance allowances to members of Seanad Éireann.
9. Annual payments to parliamentary groups.
10. Exemption of allowances under *sections 7, 8 and 9* from income tax.
11. Orders.
12. Repeal.
13. Short title, collective citation and commencement.

ACTS REFERRED TO

Civil Service Commissioners Act, 1956	1956, No. 45
Ministerial and Parliamentary Offices Act, 1938	1938, No. 38
Oireachtas (Allowances to Members) Act, 1938	1938, No. 34
Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1960	1960, No. 12
Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1964	1964, No. 14
Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act, 1977	1977, No. 29
Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1992	1992, No. 3





AN BILLE UM AN OIREACHTAS (LIÚNTAIS DO  
CHOMHALTAÍ)(LEASÚ), 1993  
OIREACHTAS (ALLOWANCES TO MEMBERS)  
(AMENDMENT) BILL, 1993

# BILL

5

*entitled*

AN ACT TO AMEND AND EXTEND THE OIREACHTAS  
(ALLOWANCES TO MEMBERS) ACTS, 1938 TO 1992.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—(1) In this Act—

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“the Act of 1938” means the Ministerial and Parliamentary Offices  
Act, 1938;

“the Act of 1977” means the Oireachtas (Allowances to Members)  
and Ministerial, Parliamentary and Judicial Offices (Amendment)  
Act, 1977;

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“the Act of 1992” means the Oireachtas (Allowances to Members)  
and Ministerial and Parliamentary Offices (Amendment) Act, 1992;

“the Minister” means the Minister for Finance;

“the Principal Act” means the Oireachtas (Allowances to Members)  
Act, 1938.

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(2) In this Act—

(a) a reference to a section is to a section of this Act, unless it  
is indicated that reference to some other enactment is  
intended,

(b) a reference to a subsection or paragraph is to the subsection  
or paragraph of the provision in which the reference  
occurs, unless it is indicated that reference to some other  
provision is intended, and

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(c) a reference to any enactment shall be construed as a reference  
to that enactment as amended, adapted or extended by or  
under any subsequent enactment including this Act.

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2.—(1) The Government may, by order—

Allowances to  
chairmen of  
Oireachtas  
Committees.

5 (a) provide for the payment, out of moneys provided by the Oireachtas, to every member of the Oireachtas who is the holder of the position of chairman of an Oireachtas Committee specified in the order of an annual allowance in respect of the member's duties as holder of such position;

(b) determine the rate of the allowance aforesaid and different rates may be so determined in respect of different Committees.

10 (2) Subject to *section 4 (b)*, an order under this section may, if so expressed, have retrospective effect.

(3) In this section "Oireachtas Committee" means a committee appointed by order of either or both of the Houses of the Oireachtas.

3.—(1) The Government may, by order—

Allowance to  
Leader of the House  
in Seanad Éireann.

15 (a) provide for the payment, out of moneys provided by the Oireachtas, to the member of Seanad Éireann who is the holder of the position of Leader of the House of an annual allowance in respect of the member's duties as holder of such position;

20 (b) determine the rate of the allowance aforesaid.

(2) Subject to *section 4 (b)*, an order under this section may, if so expressed, have retrospective effect.

(3) In this section "Leader of the House" has the meaning it has in the Standing Orders of Seanad Éireann.

25 4.—An allowance under *section 2* or *3* shall—

Payment of  
allowances.

(a) be payable in addition to the annual sum by way of salary payable to the member of the Oireachtas concerned under *section 2* (as amended by *section 2* of the Act of 1992) of the Principal Act,

30 (b) not be payable in respect of any period before the 12th day of January, 1993, and

(c) not be payable to a member of the Oireachtas who is the holder of an office referred to in Part II (as amended by Part III of the Act of 1977) of the Act of 1938.

35 5.—(1) Whenever, on or after the passing of this Act, there is a general increase of remuneration in the Civil Service with effect from a particular day, pursuant to agreements or arrangements having effect on a general basis in the Civil Service (whether or not they also apply in relation to persons employed other than in the Civil Service)  
40 the allowances payable under *section 2* and *3* shall be increased correspondingly with effect from that day and, accordingly, an order under *section 2* or, as may be appropriate, *3* shall not apply in relation to any such increases.

Increase of  
allowances  
corresponding with  
general increase of  
remuneration in  
Civil Service.

45 (2) In this section "Civil Service" has the meaning assigned to it by the Civil Service Commissioners Act, 1956.



Amendment of  
section 6A of  
Principal Act.

6.—Section 6A (inserted by section 5 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1960) of the Principal Act is hereby amended in subsection (2) by the insertion after “Act” of “and sections 2 and 3 of the Oireachtas (Allowances to Members) (Amendment) Act, 1993,”.

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Secretarial  
assistance  
allowances to  
members of Dáil  
Éireann.

7.—(1) There shall be paid to each member of Dáil Éireann who is not the holder of an office referred to in Part II (as amended by Part III of the Act of 1977) of the Act of 1938, out of moneys provided by the Oireachtas, an annual sum (referred to subsequently in this section as “a secretarial assistance allowance”), determined by reference to such matters as may be specified by the Minister by order under this subsection, to enable the member to obtain such secretarial assistance as is necessary to enable the member to carry out his duties as such member.

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(2) It shall be a condition of the contract (whether it is a contract of service or a contract for services) under which a person is engaged by a member of Dáil Éireann to provide the secretarial assistance aforesaid and is remunerated by the member out of the secretarial assistance allowance, that no liabilities arising out of such contract shall attach to the State, any Minister of the Government or the Chairman of Dáil Éireann.

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(3) A secretarial assistance allowance shall—

(a) be payable monthly in respect of periods for which the member concerned is paid an annual sum by way of salary under section 2 (as amended by section 2 of the Act of 1992) of the Principal Act, and

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(b) not be payable unless the member concerned certifies that he has entered into a contract or contracts specified in subsection (2) and that the allowance will be used to pay the costs associated with the said contract or contracts.

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(4) A member of Dáil Éireann who is entitled to a secretarial assistance allowance on a day on which Dáil Éireann is dissolved shall, out of moneys provided by the Oireachtas, be paid an amount equal to one-eighteenth of the yearly amount of the secretarial assistance allowance (such yearly amount being calculated by reference to the rate of such allowance on that day).

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Secretarial  
assistance  
allowances to  
members of Seanad  
Éireann.

8.—(1) There shall be paid to each member of Seanad Éireann who is not the holder of an office referred to in Part II (as amended by Part III of the Act of 1977) of the Act of 1938, out of moneys provided by the Oireachtas, an annual sum (referred to subsequently in this section as “a secretarial assistance allowance”) (not exceeding one-half of the amount payable to a member of Dáil Éireann under section 7 (1)) determined by reference to such matters as may be specified by the Minister by order under this subsection to enable the member to obtain such secretarial assistance as is necessary to enable the member to carry out his duties as such member.

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(2) It shall be a condition of the contract (whether it is a contract of service or a contract for services) under which a person is engaged by a member of Seanad Éireann to provide the secretarial assistance aforesaid and is remunerated by the member out of the secretarial assistance allowance, that no liabilities arising out of such contract

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shall attach to the State, any Minister of the Government, the Chairman of Dáil Éireann or the Chairman of Seanad Éireann.

(3) A secretarial assistance allowance shall—

5 (a) be payable monthly in respect of periods for which the member concerned is paid an annual sum by way of salary under section 2 (as amended by section 2 of the Act of 1992) of the Principal Act, and

10 (b) not be payable unless the member concerned certifies that he has entered into a contract or contracts specified in subsection (2) and that the allowance will be used to pay the costs associated with the said contract or contracts.

15 9.—(1) There shall be paid to each parliamentary group, out of moneys provided by the Oireachtas, an annual sum to enable the group to obtain such secretarial assistance as is necessary to enable the parliamentary group to carry out its duties as such parliamentary group.

Annual payments to parliamentary groups.

(2) The Minister may, by order, determine—

20 (a) the amount of the sum payable to each parliamentary group under this section and different rates may be determined in respect of different parliamentary groups, but the rate shall, as far as practicable, be proportionate to the numerical strength in Dáil Éireann of each such group, and

(b) the date from which the rate is payable.

25 (3) It shall be a condition of the contract (whether it is a contract of service or a contract for services) under which a person is engaged by a parliamentary group to provide the secretarial assistance aforesaid and is remunerated by the group out of the sum payable under subsection (1), that no liabilities arising out of such contract shall attach to the State, any Minister of the Government or the Chairman of Dáil Éireann.

(4) A sum shall not be payable under this section unless the parliamentary group certifies that it has entered into a contract or contracts specified in subsection (3) and that the sum will be used to pay the costs associated with the said contract or contracts.

35 (5) The sum payable under this section to a parliamentary group shall be in addition to the allowance payable to each member of the group under section 2 (as amended by section 2 of the Act of 1992) of the Principal Act and section 7 of this Act.

(6) In this section—

40 “parliamentary group” means—

(a) a registered political party in Dáil Éireann in respect of which the following conditions are complied with, that is to say:—

45 (i) that it contested the then next preceding general election for members of Dáil Éireann as a registered political party,



(ii) that not less than 7 members of that party were elected at such general election, and

(iii) that the numerical strength in Dáil Éireann of that party is not less than 7 (excluding members who are the holders of an office referred to in Part II (as amended by Part III of the Act of 1977) of the Act of 1938):

Provided that, if the numerical strength in Dáil Éireann of such party falls below 7 by reason of the death, resignation or disqualification of a member or members of the party, the numerical strength thereof shall, for the purposes of this subparagraph, be deemed to be not less than 7 until the vacancy or each of the vacancies in Dáil Éireann caused by such death, resignation or disqualification is filled; or

(b) a group of members of Dáil Éireann in respect of which the following conditions are complied with, that is to say:—

(i) that not less than 7 members of the group were elected at the then next preceding general election for members of Dáil Éireann, and

(ii) that the numerical strength in Dáil Éireann of that group is not less than 7, (excluding members who are the holders of an office referred to in Part II (as amended by Part III of the Act of 1977) of the Act of 1938 and members of a registered political party whose numerical strength in Dáil Éireann is 7 or more):

Provided that if the numerical strength in Dáil Éireann of such group falls below 7 by reason of the death, resignation or disqualification of a member or members of the group, the numerical strength thereof shall, for the purposes of this section, be deemed to be not less than 7 until the vacancy or each of the vacancies in Dáil Éireann caused by such death, resignation or disqualification is filled;

“registered political party” means a political party registered in the Register of Political Parties.

Exemption of allowances under sections 7, 8 and 9 from income tax.

10.—The payment of an allowance to a member of the Oireachtas under section 7, 8 or 9 shall be exempt from income tax and shall not be reckoned in computing the income, for the purposes of the Income Tax Acts, of such member.

Orders.

11.—(1) Every order made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House within the next 21 days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(2) The power to make an order under any provision of this Act includes power to amend or revoke the order.



12.—Section 4 (1) (c) of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act, 1964, is hereby repealed.

5 13.—(1) This Act may be cited as the Oireachtas (Allowances to Members) (Amendment) Act, 1993. Short title, collective citation and commencement.

(2) The Oireachtas (Allowances to Members) Acts, 1938 to 1992, and this Act may be cited together as the Oireachtas (Allowances to Members) Acts, 1938 to 1993.

10 (3) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.



AN BILLE UM AN OIREACHTAS  
(LIÚNTAIS DO CHOMHALTAÍ)  
(LEASÚ), 1993

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BILLE

(*mar a tionscnaíodh*)

*dá ngairtear*

Acht do leasú agus do leathnú na nAchtanna um  
an Oireachtas (Liúntais do Chomhaltaí), 1938  
go 1992.

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*An tAire Airgeadais a thíolaic,  
14 Nollaig, 1993*

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BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,  
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath  
2, nó trí aon díoltóir leabhar.

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MEMBERS) (AMENDMENT) BILL, 1993

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BILL

(*as initiated*)

*entitled*

An Act to amend and extend the Oireachtas  
(Allowances to Members) Acts, 1938 to 1992.

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*Presented by the Minister for Finance,  
14th December, 1993*

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