SEANAD ÉIREANN

AN BILLE UM AN OIREACHTAS (LIÚNTAIS DO CHOMHALTAÍ) AGUS OIFIGÍ AIREACHTA AGUS PARLAIMINTE 2009

OIREACHTAS (ALLOWANCES TO MEMBERS) AND MINISTERIAL AND PARLIAMENTARY OFFICES BILL 2009

LEASUITHE A RINNE AN DÁIL
AMENDMENTS MADE BY THE DÁIL

[No. 43 of 2009] [15 July, 2009]

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AN BILLE UM AN OIREACHTAS (LIÚNTAIS DO CHOMHALTAÍ) AGUS OIFIGÍ AIREACHTA AGUS PARLAIMINTE 2009
[*BILLE SEANAD ARNA LEASÚ AG AN DÁIL***]**

OIREACHTAS (ALLOWANCES TO MEMBERS) AND MINISTERIAL AND PARLIAMENTARY OFFICES BILL 2009
[*SEANAD BILL AMENDED BY THE DÁIL***]**

Leasuithe a rinne an Dáil
Amendments made by the Dáil

SECTION 3

1. In page 4, before section 3, the following new section inserted:

"Parliamentary standard allowance.

3.—(1) Where a member of the Oireachtas is entitled to—

(*a*) payments for travelling facilities prescribed under section 5 (as amended by section 18 of the Act of 1998) of the Act of 1964 and granted under section 2 of the Oireachtas (Allowances to Members) Act 1938,

(*b*) the overnight allowance under section 1 (inserted by section 2 of the Act of 1996 and as amended by section 15 of the Act of 1998) of the Act of 1962,

(*c*) a telephone allowance under section 2(2) (inserted by section 3 of the Act of 1996) of the Act of 1962, or

(*d*) an allowance for expenses under section 3 (as amended by section 19 of the Act of 1998 and section 37 of the Act of 2001) of the Act of 1992,

the Minister may decide that any payment due to the member in respect of all or any of them may be paid together as a single composite monthly payment ("parliamentary standard allowance") to the member, of the amount determined in regulations under this section, in lieu of each allowance or payment due to the member being paid separately to him or her.

(2) Where the parliamentary standard allowance applies under this section to a member of the Oireachtas—

(*a*) the rate payable for travelling expenses determined in regulations under section 5(1A) (inserted by section 18 of the Act of 1998) of the Act of 1964,

(*b*) an overnight allowance of the amount sanctioned by the Minister for Finance under section 1(2) (inserted by section 15 of the Act of 1998) of the Act of 1962,

(*c*) a telephone allowance of the amount prescribed in regulations under section 2(2)(*a*) (inserted by section 3 of the Act of 1996) of the Act of 1962, and

(*d*) the rate payable of an allowance for expenses determined in regulations under section 3(4) of the Act of 1992,

do not apply to the member.

(3) The Minister may, in applying the parliamentary standard allowance to a member of the Oireachtas—

(*a*) by regulations revoke any regulations made under the provisions referred to in *subsection (2)*, and

(*b*) determine in regulations made under *subsection (4)* the rates and amounts payable under those provisions in determining the amount of the parliamentary standard allowance payable to a member of the Oireachtas in regulations under that subsection.

(4) The Minister may, by regulations, in respect of the parliamentary standard allowance, determine—

(*a*) the date from which the allowance is payable,

(*b*) the amount of the allowance payable—

(i) to a member or members of Dáil Éireann, and

(ii) to a member or members of Seanad Éireann,

and

(*c*) the manner in which, and the exceptions, restrictions and conditions (including attendance recording and deductions for non-attendance) subject to which, the allowance is to be provided and paid.

(5) Regulations under this section may, if so expressed, have retrospective effect.

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

(7) Section 836 of the Taxes Consolidation Act 1997 is amended—

(*a*) by inserting after subsection (1A) (inserted by section 21 of the Act of 1998) the following:

"(1B) Parliamentary standard allowance payable under *section 3* of the *Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act 2009* is exempt from income tax and shall not be reckoned in computing income for the purposes of the Income Tax Acts.",

and

(*b*) in subsection (2), by inserting "or under *section 3* of the *Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act 2009* or any allowance or payment made in respect of any particular allowance or payment referred to in subsection (1) of that section" after "1992,".

(8) In this section—

"Act of 1962" means Oireachtas (Allowances to Members) Act 1962;

"Act of 1964" means Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1964;

"Act of 1992" means Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992;

"Act of 1996" means Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996;

"Act of 1998" means Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998;

"Act of 2001" means Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001;

"Minister" means Minister for Finance.".

SECTION 6

2. In page 8, subsection (2), line 17, "*section 2*" deleted and "*sections 2 and 3#*" inserted.

[#*This is a reference to the section inserted by amendment No.1.*]

TITLE

3. In page 3, line 11, after "SALARIES", "AND ALLOWANCES" inserted.