



Isle of Man

Ellan Vannin

AT 4 of 1989

**PAYMENT OF MEMBERS EXPENSES ACT
1989**



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PAYMENT OF MEMBERS EXPENSES ACT 1989

<i>Received Royal Assent:</i>	<i>16 May 1989</i>
<i>Passed:</i>	<i>16 May 1989</i>
<i>Commenced:</i>	<i>1 January 1990</i>

AN ACT to replace the Payment of Members' Expenses Acts 1975 to 1985

Annual payments

1 Annual payments to members of Tynwald

[1975/15/1; 1986/49/3(1)]

- (1) The Treasury shall pay to each member of Tynwald such annual sum as may be prescribed.
- (2) Different sums shall be prescribed for the purposes of this section according to whether or not the member holds any of the following offices —
 - (a) Chief Minister;
 - (b) President of Tynwald;¹
 - (c) Speaker;
 - (d) Minister;
 - (e) chairperson of the Public Services Commission;²
 - (ea) [...] ³
 - (f) member of any Department (other than the Minister);
 - (g) such other office as may be specified for the purpose of this subsection by an order made by the Treasury;⁴

and different sums may be prescribed as respects different Ministers and Departments.

- (3) Unless the Treasury by order provides otherwise, a person who holds an office specified in subsection (2)(a) or (d) to (g) who is no longer a member of Tynwald, shall nevertheless be entitled to the sum for that office prescribed under this section.⁵

- (4) No person shall be entitled to an annual sum under this section in respect of membership of more than one Department.⁶

2 Annual payments to members of Statutory Boards

[1975/15/6(1) and (2)]

- (1) The Treasury shall pay to each member of a Statutory Board such annual sum as may be prescribed.
- (2) Different sums shall be prescribed for the purposes of this section according to whether or not the member is —
- (a) the chairman of the Statutory Board;
 - (b) a member of Tynwald;
- and different sums may be prescribed as respects different Statutory Boards.
- (3) No person shall be entitled to an annual sum under this section in respect of more than one Statutory Board.

Expenses

3 Expenses of members of Tynwald

[1975/15/2A(1); 1980/14/1]

The Treasury shall pay to each member of Tynwald such annual sum by way of expenses as may be prescribed.

Attendance allowances

4 Attendance allowances

[1975/15/7(1), (2) and (2A); 1985/2/1]

- (1) The Treasury shall pay to each member (not being a member of Tynwald) of —
- (a) a body specified for the purposes of this section by an order made by the Treasury; and
 - (b) a departmental body specified for the purposes of this section by an order made by the relevant Department with the concurrence of the Treasury;
- such sum as may be prescribed for each meeting of that body which that person attends in any session.
- (2) Where a person attends more than one meeting in the same session (whether or not of the same body), the sums payable to him under this section in respect of that session shall not exceed in the aggregate such sum as may be prescribed.

- (2A) If a body specified in an order under subsection (1)(a) is also a tribunal specified in Schedule 2 to the *Tribunals Act 2006*, the Treasury shall, in addition to any allowance payable under subsection (1) (attendance allowance), pay to each member of the tribunal such sum as may be prescribed in respect of or connected with membership or the functions of such membership.⁷
- (2B) Except in respect of any sum to which a person is entitled to be paid under this Act, a member of a tribunal mentioned in subsection (2A) shall not be entitled to be paid any further sum out of the General Revenue of the Island in respect of or connected with —
- (a) attendance at meetings of the tribunal; or
 - (b) membership of the tribunal; or
 - (c) any function of such membership.⁸
- (3) Different sums may be prescribed for the purposes of this section as respects different bodies or descriptions of bodies and as respects the chairperson, deputy chairperson and other members of a tribunal mentioned in subsection (2A).⁹

Travelling allowances

5 Travelling allowances

[1975/15/2(1), 6(4), 8 to 10(1); 1985/2/2]

- (1) The Treasury shall pay such travelling allowances as may be prescribed to —
- (a) each member of Tynwald, in respect of his journeys as a member of Tynwald, the Council or the Keys or of a Department or the Public Services Commission;¹⁰
 - (b) each member of a Statutory Board, in respect of each meeting of the Board or a committee thereof;
 - (c) each member of —
 - (i) a commission or committee appointed by the Governor;
 - (ii) a body specified in an order under section 4(1);
 - (iii) a body specified for the purposes of this section by an order made by the Treasury;in respect of each meeting of the body concerned; and
 - (d) each member (not being a member of Tynwald) of a departmental body specified for the purposes of this section by an order made by the relevant Department with the concurrence of the Treasury, in respect of each meeting of the body concerned.
- (2) Every claim for a payment under this section shall be made to the Treasury in a form approved for the purpose by the Treasury.

- (3) No payment shall be made under this section to a person specified in subsection (1)(c)(i) except with the consent in writing of the Governor.

Supplemental

6 Rates and scales

[1975/15/9(1)]

- (1) The Treasury may by order prescribe the amount of any sum referred to in section 1, 2, 3 or 4.
- (2) The Treasury may by order prescribe the scales of travelling allowances to be paid under section 5, and the conditions subject to which they may be paid.
- (2A) An order under subsection (1) prescribing the amount of a sum referred to in section 1, 2 or 3 may do so by reference to a scale or rate of salary determined by the Public Services Commission for any category of its employees, either —
- (a) by reference to that scale or rate as it has effect for the time being, or
- (b) by reference to that scale or rate as it has effect from time to time.¹¹
- (2B) The Treasury shall from time to time prepare a statement of the amounts and scales for the time being prescribed under this section (including, where an amount is prescribed by reference to a scale or rate of salary, the amount of that scale or rate as it has effect for the time being), and shall make a copy of the statement available for public inspection at its principal office free of charge at any reasonable time.¹²
- (3) Before making an order under subsection (1) or section 1(3), the Treasury shall consult such committee of Tynwald or other body as the Governor in Council may by order designate for the purpose of this subsection, and where an order under subsection (1) or section 1(3) departs from any recommendation made by such committee or body, the Treasury shall lay before Tynwald a statement setting out those recommendations and its reasons for departing from them.¹³

6A Continuation of office

- (1) Where a person holding an office specified in section 1(2)(f) ceases to be a member of Tynwald then, despite section 1(2)(b) of the *Government Departments Act 1987* but subject to section 2(1) of that Act, he or she shall continue to hold that office until —
- (a) the next appointment to that office is made; or
- (b) in the case of a Department consisting of more than one member (other than the Minister), the Council of Ministers decides not to fill that office.¹⁴

- (2) Where a person holding an office specified in section 1(2)(g) ceases to be a member of Tynwald he or she shall continue to hold that office until the next appointment to that office is made.
- (3) A person who was a member of the Keys immediately before the dissolution of the Keys is deemed for the purposes of this Act to continue to be such a member until the returning officer makes a return of the writ in accordance with election regulations made under the *Elections (Keys and Local Authorities) Act 2020*.^{15 16}

7 Supplementary provisions

[1975/15/1(3), 2(2), 2A(2), 5, 6(3), 9(2) and 11; 1986/49/3(2)]

- (1) No payment under section 1, 2 or 5 shall be made to the Bishop, and no payment under section 1, 2, 3 or 5 shall be made to the Attorney General.
- (2) Any sum payable under any provision of this Act, except a sum payable to a member of Tynwald under section 1 or 2 or any person under section 4(2A), shall be exempt from income tax.¹⁷
- (3) No sum or part thereof which by virtue of subsection (2) is exempt from income tax shall be brought into account by the Assessor of Income Tax as part of the income of the recipient.
- (4) An order under this Act shall operate from such date as may be specified in the order (which may be before, on or after the date of making of the order), but no such order (except an order mentioned in subsection (5)) shall have effect unless it is approved by Tynwald.
- (5) An order under —
 - (a) section 4(1)(a) or (b) specifying a body for the purposes of section 4;
 - (b) section 5(1)(c)(iii) or (d) specifying a body for the purposes of section 5; or
 - (c) section 11(2),
 must be laid before Tynwald as soon as practicable after it is made.¹⁸
- (6) Payments under this Act shall not constitute a salary payable by the Government for the purposes of section 12 of the *Isle of Man Constitution Amendment Act 1919* (qualification of elected members of the Council).
- (7) [Repealed]¹⁹

7A Suspended members of Tynwald

- (1) This section applies to a member of Tynwald —
 - (a) who has been suspended from the service of Tynwald under the Standing Orders of Tynwald; or
 - (b) who has been suspended from the service of the Branch to which the member belongs under the Standing Orders of that Branch, and

whose suspension continues, in accordance with the Standing Orders of Tynwald, the Keys or the Council, for more than one day and is not merely a direction to withdraw from the relevant chamber for the remaining sessions of the day on which the suspension is ordered.

- (2) A member of Tynwald to whom this section applies is not entitled for the period of suspension to –
 - (a) any payment under section 2, 3 or 5; or
 - (b) any payment under section 1 which would otherwise be made to that member of Tynwald in connection with the holding of any office referred to in section 1(2).
- (3) This section –
 - (a) does not apply to a suspension imposed before the Bill for the *Payment of Members' Expenses (Amendment) Act 2019* was signed in Tynwald, but
 - (b) does apply to so much of a period of suspension as follows a decision, made after the Bill was signed, to continue a suspension which was so imposed.²⁰

8 Financial provision

- (1) Subject to subsection (2), any expenses incurred by the Treasury under this Act shall be defrayed out of money provided by Tynwald.
- (2) Where a payment is made by the Treasury under section 2 or 5(1)(b) in respect of a Statutory Board specified by an order made by the Treasury for the purposes of this subsection, the amount of the payment shall be repaid by the Statutory Board to the Treasury.

9 Interpretation

In this Act –

“**departmental body**” means an unincorporated body consisting of 2 or more individuals and exercising any functions of a Department by virtue of an authorisation under section 3(2) of the *Government Departments Act 1987* or, at the request of a Department, advising the Department on the exercise of any of its functions;

“**member of Tynwald**” means a member of the Council or the Keys;

“**prescribed**” means prescribed by an order under section 6(1) or (2), as the case may be;

“**relevant Department**”, in relation to a departmental body, means the Department whose functions the body is authorised to exercise or on the exercise of whose functions the body is requested to advise, as the case may be;

“**session**” means any of the following periods —

- (i) 9.00 a.m. to 1.30 p.m.;
- (ii) 2.00 p.m. to 6.30 p.m.;
- (iii) 6.00 p.m. to 12 midnight.

10 Amendments

- (1) The enactments specified in Schedule 1 are amended in accordance with that Schedule.
- (2) [Repealed]²¹

11 Short title and commencement

- (1) This Act may be cited as the Payment of Members’ Expenses Act 1989.
- (2) This Act shall come into operation on such day as the Treasury may by order appoint.²²

Schedule 1

AMENDMENT OF ENACTMENTS

Section 10(1)

[Sch 1 is amended by Representation of the People Act 1995 and by Electricity Act 1996 Sch 7, and amends the following Acts and Orders —

Social Security Legislation (Application) (No. 3) Order 1975 (GC154/75)

Manx Heritage Foundation Act 1982 q.v.

Financial Supervision Commission Order 1983 (GC181/83)

Statutory Boards Act 1987 q.v.]

Schedule 2²³

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Para (b) substituted by Constitution Act 1990 Sch 1.

² Para (e) substituted by Public Services Commission Act 2015 Sch.

³ Para (ea) inserted by Public Services Commission Act 2015 Sch as transitionally modified by SD2015/0046 (as amended by SD2015/0072 and SD2015/0229). Transitional modification expired 01/09/15.

⁴ Para (g) inserted by Statute Law Revision Act 1997 s 3.

⁵ Subs (3) added by Payment of Members' Expenses (Amendment) Act 2010 s 2.

⁶ Subs (4) added by Payment of Members' Expenses (Amendment) Act 2010 s 2.

⁷ Subs (2A) inserted by Tribunals Act 2006 Sch 3 with saving in paragraph 8(3).

⁸ Subs (2B) inserted by Tribunals Act 2006 Sch 3 with saving in paragraph 8(3).

⁹ Subs (3) amended by Tribunals Act 2006 Sch 3 with saving in paragraph 8(3).

¹⁰ Para (a) amended by Public Services Commission Act 2015 Sch.

¹¹ Subs (2A) inserted by Statute Law Revision Act 1992 s 3 and amended by Public Services Commission Act 2015 Sch.

¹² Subs (2B) inserted by Statute Law Revision Act 1992 s 3.

¹³ Subs (3) amended by Payment of Members' Expenses (Amendment) Act 2010 s 3.

¹⁴ Para (b) amended by SD861/11 as amended by SD943/11.

¹⁵ Subs (3) amended by Representation of the People (Amendment) Act 2015 s 36 and by Elections (Keys and Local Authorities) Act 2020 Sch 6.

¹⁶ S 6A inserted by Payment of Members' Expenses (Amendment) Act 2010 s 4.

¹⁷ Subs (2) amended by Tribunals Act 2006 Sch 3.

¹⁸ Subs (5) substituted by Payment of Members' Expenses (Amendment) Act 2010 s 5(1).

¹⁹ Subs (7) repealed by Payment of Members' Expenses (Amendment) Act 2010 s 5(2).

²⁰ S 7A inserted by Payment of Members' Expenses (Amendment) Act 2019 s 2.

²¹ Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.

²² ADO (whole Act) 1/1/1990 (GC412/89).

²³ Sch 2 repealed by Statute Law Revision Act 1992 Sch 2.