



STATUTORY INSTRUMENTS.

S.I. No. 449 of 2023



LOCAL GOVERNMENT ACT 2001 (SECTION 142) (SECURITY
ALLOWANCE FOR LOCAL AUTHORITY MEMBERS) REGULATIONS
2023

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I, KIERAN O'DONNELL, Minister of State at the Department of Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 4 and 142 (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 2023 (S.I. No. 116 of 2023) 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 make the following regulations:

Part 1

1. These regulations may be cited as the Local Government Act 2001 (Section 142) (Security Allowance for Local Authority Members) Regulations 2023.

2. These regulations shall come into operation on signature.

3. In these Regulations, except where the context otherwise requires:
'local authority' has the meaning given by the Act of 2001;
'member' means a member of the local authority and includes a Cathaoirleach and Leas-Chathaoirleach;
'home' means a person's ordinary place of residence;
'the Act of 2001', means the Local Government Act 2001 (no. 37 of 2001).

Part 2

Allowance in respect of security measures

1. Where a member incurs expenses connected with improvements to their personal security to meet a credible and serious threat to their personal physical security arising from their role as an elected member of a local authority, the member's local authority shall pay on a once-off basis to the member a sum not exceeding €2,500, or 50% of their total costs, whichever is the lesser, in final settlement of a claim under the allowance in respect of security measures, following receipt of claim for these expenses.

2. A member may make a claim for payment of a sum under this Regulation to the local authority of which he or she is a member in such form and containing such particulars as set out in directions the Minister may give under Regulation 4.

Part 3

General

Payments in accordance with the regulations

3. (1) A local authority shall not make a payment in respect of a security allowance to a member except in accordance with the Act of 2001 and with these Regulations.

(2) A local authority shall not make a payment in respect of a security allowance 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

4. (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 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;
- (b) the matters in respect of which, the purposes for which or the circumstances in which expenses may or may not be claimed or paid;
- (c) the method by which or manner in which the allowance may or may not be claimed or paid;
- (d) particulars to be recorded in the annual report of a local authority relating to allowances paid to members of local authorities, or any related matters; and,
- (e) 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.

Review

5. Each local authority shall, not later than 5 years after commencement of these Regulations, conduct a review of the operation and effectiveness of these

Regulations and shall, not later than 6 months after the end of that period of 5 years, or on the completion of the review, whichever is the earlier, prepare a report, in writing, of the findings of the review and of the conclusions drawn from those findings and cause copies of the report to be submitted to the Minister.

GIVEN under my hand,
12 September 2023

KIERAN O'DONNELL,
Minister of State at the Department of Housing, Local Government
and Heritage

The Minister for Public Expenditure, National Development Plan Delivery and Reform hereby consents to the Local Government Act 2001 (Section 142) (Security Allowance for Local Authority Members) Regulations 2023.



GIVEN under the Official Seal of the Minister for Public
Expenditure National Development Plan Delivery and
Reform,
13 September, 2023.

PASCHAL DONOHOE,
Minister for Public Expenditure, National Development
Plan Delivery 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 of a security allowance to elected members of local authorities to defray expenses accrued where an elected member has made improvements to their personal physical security to meet a credible and serious threat to their person arising from their role as an elected member of a local authority and the keeping of records in relation to payments of same in accordance with Section 142 of the Local Government Act 2001.

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