



ST HELENA

REVISED EDITION OF THE LAWS, 2017

CONSTITUTIONAL & ADMINISTRATIVE LAW

**LEGISLATIVE COUNCIL (REMUNERATION AND ALLOWANCES)
ORDINANCE, 2010¹**

Ordinance 2 of 2010

In force 1 April 2010

Amended by Ordinances 5 of 2010, 2 of 2011, 9 of 2015

No subsidiary legislation to 1 November 2017

**LEGISLATIVE COUNCIL (REMUNERATION AND ALLOWANCES)
ORDINANCE, 2010**

AN ORDINANCE to make provision, pursuant to section 72 of the Constitution, for the remuneration, allowances and other benefits of members of the Legislative Council.

Citation and commencement

1. This Ordinance may be cited as the Legislative Council (Remuneration and Allowances) Ordinance, 2010 and comes into force on 1st April, 2010.

Interpretation

2. In this Ordinance—

“**Chairman**” means an Elected Member who has been appointed to be the Chairman of a Council Committee constituted in accordance with section 56(5) or 56(6) of the Constitution;

“**Council**” means the Legislative Council;

“**Elected Member**” means a Member of the Council elected pursuant to the provisions of section 48(b)(i) of the Constitution;

“**Executive Member**” means an Elected Member who has been elected to be a member of the Executive Council pursuant to section 36 of the Constitution;

“**Member**” includes an Elected Member, the Speaker, and the Deputy Speaker.

Remuneration and allowances of Members

3. (1) The rates of remuneration payable to Members, subject to the provisions of section 72(3) of the Constitution, are those set out in Schedule 1.

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

(2) In addition to the remuneration referred to in subsection (1), and subject as aforesaid, Members are eligible to receive the allowances and benefits set out in Schedule 2.

- (3) For the avoidance of doubt –
- (a) the remuneration mentioned in subsection (1) is taxable under section 12 of the Income Tax Ordinance, 2012; but
- (b) the allowances and benefits mentioned in subsection (2) are compensatory in nature and are not taxable income for the purposes of that Ordinance.

SCHEDULE 1
(Section 3(1))

REMUNERATION OF MEMBERS

| Item | Description | Amount |
|------|---|---|
| 1 | (a) Remuneration of an Elected Member, except where item 2 or item 3 applies | £10,000 per annum |
| | (b) Additional remuneration of an Elected Member who has been elected as member of the Public Accounts Committee | £1,000 per annum |
| 2 | (a) Remuneration of a Chairman, except where item 3 applies | £12,000 per annum. |
| | (b) Remuneration of Deputy Chairman, except where item 3 applies | £10,500 per annum |
| 3 | Remuneration of an Executive Member | £14,500 per annum |
| 4 | Acting Chairman of Council Committees | |
| | For any period that— (a) the Deputy Chairman (other than an Executive Member) is acting as Chairman of a Council Committee; (b) any other member of the Committee (other than an Executive Member) is acting as Chairman of a Council Committee | Payment pro-rata at a rate of— £1,500 per annum £2,000 per annum. |
| 5 | Remuneration of a temporary member of the Executive Council, appointed under section 35(3)(a) of the Constitution | Payment pro-rata at an annual rate of: where if the temporary member receives remuneration under Item 1, £4,500; if the temporary member receives remuneration under Item 2, £2,500. |
| 6 | Remuneration of the Speaker | £5,000 per annum. |
| 7 | Deputy Speaker | |
| | (a) Remuneration of the Deputy Speaker at any time when, by resolution of the Council, the Deputy Speaker is required to attend (and does, except for reasons of illness or other good cause, in fact attend) all formal and informal meetings of the Council | £2,500 per annum. |

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| | (b) | Remuneration of the Deputy Speaker when Item 7(a) does not apply | £1,250 per annum. |
| | (c) | Remuneration of the Deputy Speaker when actually deputising for the Speaker | Additional remuneration, pro-rata, at an annual rate equal to the difference between Item 6 and whichever is applicable of Items 7(a) and 7(b). |

SCHEDULE 2
(Section 3(2))

MEMBERS' ALLOWANCES AND BENEFITS

| Item | Description of Allowance or Benefit | |
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| 1 | Telecommunications | |
| | (a) | Telephone Rental: Members will be reimbursed the cost of telephone line rental not exceeding the telephone rental charged from time to time by Sure South Atlantic Ltd to residential customers in St Helena. |
| | (b) | Telephone Call Charges: Members will be paid an allowance on account of the cost of telephone calls made on official business, at the following rates: Elected Members: the value (at the rates from time to time charged by Sure South Atlantic Ltd for local calls) of six hours per month; Speaker: the value (at the rates from time to time charged by Sure South Atlantic Ltd for local calls) of 3 hours per month; Deputy Speaker: while actually deputising during the absence or incapacity of the Speaker, the same rate as in paragraph (ii), pro-rata. |
| | (c) | Internet: Members will be reimbursed the cost of subscription to the 'Bronze Package' offered by Sure South Atlantic Ltd. In addition, Members will be reimbursed the cost of connection and disconnection charges upon becoming (or ceasing to be) eligible for this allowance or if disconnection and later reconnection are judged by the Chief Secretary to offer best value for money when a Member is to be absent from St Helena. |
| 2 | Computer Equipment: Members will be provided at public expense with a personal computer (with mouse, keyboard and printer) and reasonable quantities of consumables such as paper and ink. | |
| 3 | Mileage and transport | |
| | (a) | Subject to the following provisions, Members will be paid an allowance at the rate of 60 pence per mile for journeys made by car on official business. |
| | (b) | This allowance is payable only to the Member who owns or drives the vehicle, and is at the specified rate irrespective of the number of persons in the vehicle. |
| | (c) | The allowance may be claimed by Elected Members for attendance at: (i) formal and informal meetings of the Council; (ii) formal and informal meetings of the Executive Council; (iii) meetings of Council Committees (or sub-Committees) or of the Public Accounts Committee; (iv) Constituency Meetings; and (v) any other meetings or carrying out official duties in connection with |

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| | | their role as Elected Members. |
| | (d) | The allowance may be claimed by the Speaker for attendance at the meetings specified in paragraph (i) in Item 3(c); it may be claimed by the Deputy Speaker: (i) whenever Item 7(a) in Schedule 1 applies, as for the Speaker; (ii) when Item 7(b) in Schedule 1 applies, only when actually deputising for the Speaker. |
| | (e) | A Member, the Speaker or Deputy Speaker may, in lieu of any allowance to which he or she is entitled under paragraphs (a) or (d), claim the vouched cost of a taxi for purposes of any attendance referred to in paragraph (c) or (d), as the case may be, if there are exceptional circumstances to justify the use of such taxi. |
| 4 | Overseas Travel & Subsistence | |
| | (a) | Members who travel overseas on official business will be provided with travel, accommodation, and allowances on the basis set out in the several sub-items of this Item. Publicly funded travel and accommodation is limited to the Member; additional costs for a spouse or partner must be paid by the Member. Similarly, if a Member travelling alone prefers more expensive travel or accommodation, the additional cost is the responsibility of the Member. |
| | (b) | Travel, appropriate to the purpose of the journey, will be arranged at public expense, on the basis (subject to availability) of: (i) sharing a two-berth cabin on the RMS St Helena; (ii) air travel by economy class (or equivalent, depending on airline); and (iii) transit between ship and airport. |
| | (c) | In transit between sea and air passages, hotel accommodation will also be arranged comparable in quality and location to that from time to time approved by the Governor for the use of public officers. |
| | (d) | <i>Repealed</i> |
| | (e) | Members may elect to stay with family or friends, instead of in an hotel; in such event, Members may claim an allowance of £30.00 per day on account of their contribution towards the cost of their accommodation and meals. |
| | (f) | Subsistence: except where the relevant meals/costs are included in the booked tariff in an hotel, Members may claim subsistence allowances of: (i) £21.00 per day for lunch and dinner; (ii) £4.45 per day for breakfast; and (iii) £5.00 per day for incidental expenses such as laundry |
| | (g) | Local Transport: Members may claim the vouched cost of local transport within the city they visit; this will be limited to bus or (standard class) rail/underground unless there are exceptional circumstances to justify the use of a taxi. |