

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, 10 of 2018, 16 of 2021

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”² ...
“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”³ ...
“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.

(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—

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 17 December 2021.

² Definition of “Chairman” repealed by Ord. 16 of 2021

³ Definition of “Executive Member” repealed by Ord. 16 of 2021

- (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 1⁴
(Section 3(1))

REMUNERATION OF MEMBERS

Item	Description	Amount
1	Remuneration of an Elected Member of the Legislative Council, except where item 2, 3, 4 or 5 applies	£20,000 per annum
2	Remuneration of a Minister as an elected member of the Executive Council	£35,000 per annum
3	Remuneration of a temporary member of the Executive Council deputising for a Minister under section 37H of the Constitution	Payment pro-rata at an annual rate of amount in item 2 from day 5 onwards
4	Remuneration of the Chief Minister	£50,000 per annum
5	Remuneration for a Minister deputising for the Chief Minister under section 37F of the Constitution	Payment pro-rata at an amount rate of amount in item 4 from day 5 onwards
6	Remuneration of the Speaker	£15,000 per annum
7	Remuneration of the Deputy Speaker, except where item 8 applies	£11,000 per annum
8	Remuneration of the Deputy Speaker when deputising for the Speaker	Payment pro-rata at an annual rate of amount in item 6
9	A contributory pension will be paid on behalf of a Member	Payment will be in line with the St Helena Government staff policy and the pension rules as applicable at the time the relevant Member entered Council

SCHEDULE 2⁵
(Section 3(2))

MEMBERS' ALLOWANCES AND BENEFITS

Item	Description of Allowance or Benefit
1	Internet: No separate provision. Cost of internet included in the remuneration payments listed in Schedule 1.
2	Computer Equipment: An Elected Member will be provided at public expense with a laptop computer (with mouse and printer) and reasonable quantities of

⁴ Schedule 1 amended by Ord. 10 of 2018 and substituted by Ord. 16 of 2021

⁵ Schedule 2 amended by Ord. 10 of 2018 and substituted by Ord. 16 of 2021

		consumables such as paper and ink for the conduct of their duties as an Elected Member.
3		Mileage and Transport:
	a	Elected Members will be paid an allowance for journeys made by motor vehicle to and from home to attend meetings or to carry out other official duties, at the rate per mile equal to that determined for public officers under the St Helena Government staff policy. Note: for the avoidance of doubt, home to office transport is included within the salary.
	b	This allowance is payable only to the Elected 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 an Elected Member for attendance at Constituency Meetings and other meetings outside Jamestown or to carry out official duties outside Jamestown in connection with their role as an Elected Member.
	d	The Speaker and Deputy Speaker may claim the allowance in paragraph (a) to attend meetings outside Jamestown or to carry out official duties outside Jamestown.
	e	An Elected Member, the Speaker or Deputy Speaker may, in lieu of any allowance to which they are entitled under paragraph (a) to (d), claim the cost of a taxi upon proof of payment. The journey must be 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 a taxi.
4		Overseas Travel and Subsistence:
	a	An Elected Member 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 Elected Member; additional costs for a spouse or partner must be paid by the Elected Member. Similarly, if an Elected Member travelling alone prefers more expensive travel or accommodation, the additional cost will be the responsibility of the Elected Member.
	b	Travel, appropriate to the purpose of the journey, will be arranged at public expense, on the basis (subject to availability) of air travel by economy class (or equivalent, depending on airline).
	c	<p>Travel to and from airport:</p> <p>For Brize Norton: Travel by taxi allowed within 100 miles from Brize Norton. When travelling to or from a destination outside the 100-mile radius, a taxi must be taken to the nearest train station for onward travel by train and a taxi then be taken from the destination station to the hotel or Brize Norton.</p> <p>For all other airports:</p> <p>i) Between hours of 6am and 11pm: Travel by public transport to and from station nearest to the hotel and travel by taxi between that station and the hotel;</p> <p>ii) Between the hours of 11pm and 6am: Travel by taxi to and from hotel.</p>

		Transfers to and from an airport, where possible, should be arranged and booked prior to departure from the Island, using best value for money options.
	d	Hotel accommodation: To be provided at the maximum rate of £140 per night. If no hotel is available at that rate in the area where the meeting or conference is to be attended, the Elected Member will be provided accommodation at an hotel in that area (at the best available rate) for the night before the meeting or conference until the day after the meeting or conference ends.
	e	Elected Members may elect to stay with family or friends, instead of in an hotel; in such event, Elected 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 meals are included in the hotel rate or where a conference or meeting provider caters for the meals, Members staying in hotels may claim allowances up to: i) £10 per day for breakfast; ii) £15 per day for lunch; iii) £30 per day for dinner; and iv) £5.00 per day for incidental expenses such as laundry. Each meal claimed should be of a reasonable cost.
	g	Local Transport: Elected 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. For local travel in and around London, Elected Members will be required to use an Oyster card or equivalent London Transport mobile telephone payment app.
	h	Internet access: Up to 5 hours of internet access per working day (Monday to Friday) will be reimbursed unless the hotel provides free internet access. This does not apply when Elected Members are staying in London as internet can be accessed at the St Helena's UK Representatives Office.
	i	In relation to paragraphs (c), (f), (g) and (h), Elected Members will receive money in advance up to the estimated sum required. Elected Members must provide receipts upon return to St Helena and any money provided in excess of that spent must be returned. If insufficient money had been provided in advance as evidenced by receipts, the Elected Member will be reimbursed accordingly (provided that in the case of paragraph (f), the cost reimbursed will not exceed the amounts listed in that paragraph).
	j	Travel Insurance: Insurance will be provided for Elected Members when travelling overseas on official business as follows: i) Whilst travelling through Ascension, medical insurance up to £500,000. At all other times medical insurance up to £75,000. ii) The laptop provided for work will be insured. iii) Up to £500 of personal possessions will be insured.

