

Party Leaders' Allowances Scheme

Part A - Rules in relation to the Scheme

The following general rules shall, unless the context otherwise requires, govern the Scheme.

Rule 1 - Interpretation

In this Scheme-

"claim form" means such form prescribed by the SPCB from time to time.

"financial year" means the period from 1 April in one year to 31 March in the next year.

"member" means a Member of the Scottish Parliament.

"qualifying party leader" means the Parliamentary leader of a registered political party represented in the Parliament and which registered political party has not less than fifteen members, but excludes any Parliamentary party leader who is or a member of whose party is a member of the Scottish Executive or a junior Scottish Minister in terms of the Scotland Act 1998.

"registered political party" means a party registered under the Political Parties, Elections and Referendums Act 2000, and any amendment to, or any re-enactment thereof.

"SPCB" means the Scottish Parliamentary Corporate Body in terms of section 21 of the Scotland Act 1998.

"staff" in relation to a qualifying party leader means an employee or employees of a qualifying party leader and a person or persons on a contract with an agency, a contract for services or a volunteer.

and any reference to a Part is a reference to the Part so lettered in this Scheme and any reference to an Annex is a reference to the Annex so lettered in this Scheme.

Rule 2 - Verifiable Expenditure

(1) The SPCB may, on application for the purpose made to it by a qualifying party leader in accordance with this Scheme, make payments to that qualifying party leader of allowances for reimbursement of expenses incurred by that qualifying party leader.

(2) Subject to paragraph (3) of this rule, payments for which a qualifying party leader is eligible shall be paid by the SPCB only upon the production to the SPCB of evidence of relevant expenditure in the form of invoices or receipts.

(3) Supporting invoices and receipts are not required-

(a) for the payment of mileage allowance;

(4) Paragraph (3) of this rule does not apply to taxi fares and car parking charges, other than parking meter charges.

(5) The SPCB shall provide a claim form for the purposes of administering the Scheme which a qualifying party leader shall complete and certify and sign in order to obtain payment from the allowance.

Rule 3 - Party Leader's Allowance Code

The proper use of a qualifying party leader's allowance payable under this Scheme shall be governed by the Allowance Code in the Annex.

Rule 4 - Publication

(1) The SPCB shall publish information on the allowances under this Scheme for each financial year in such form as the SPCB may determine.

Rule 5 - Enforcement

(1) The SPCB shall be responsible for supervising adherence to the allowances under this Scheme.

(2) Where eligibility for an allowance under this Scheme is in dispute, and cannot otherwise be resolved, the matter shall be referred to the SPCB for determination.

(3) Any member may make a complaint to the SPCB where that member has reason to believe that an allowance under this Scheme has not been expended in accordance with the Scheme (hereinafter referred to as an improper use of allowance), and where such a complaint is made, the SPCB shall hear that complaint within one month.

(4) Where the SPCB has reason to believe that an improper use of the allowance has occurred or where the SPCB has received a complaint under paragraph (3), the SPCB may initiate investigations into the matter.

(5) Where the SPCB has initiated investigations in accordance with paragraph (4) and finds that there has been an improper use of the allowance, the SPCB shall report with recommendation to the Standards Committee; and such recommendation may propose the removal of all or part of the allowance.

Rule 6 - Uprating & Rates Payable

(1) The SPCB shall uprate the allowance on 1 April commencing the year 2003 onwards, having regard to such indices as the SPCB considers appropriate.

(2) The rates payable in respect of travel and overnight expenses shall not exceed the appropriate rates specified in the Members Support Allowance in the Members Allowances Scheme whether incurred by a qualifying party leader or a member of his or her staff.

Part B

1. Party Leaders' Allowance

(1) A qualifying party leader shall be eligible for an allowance under this part of the Scheme for the purpose of providing support to carry out the extra duties as a Parliamentary party leader, including the role of a party spokesperson or representative.

(2) The duties referred to in sub paragraph (1) shall: -

a. include any work on the preparation of (i) briefing notes, (ii) speeches and (iii) attendance at an event to which the qualifying party leader has been invited to give a presentation on his or her party's policies in the Parliament; but

b. excludes any work on the preparation of briefing notes and speeches and attendance at a party political conference or a seminar, workshop or meeting with party activists and canvassing for party political support, whether during an election or otherwise, and fundraising for a political party and any constituency case work.

(3) Without prejudice to the generality of sub paragraph (1) above, the allowance may be used for the following:

i. the employment of staff (which shall, in relation to employees include the costs of employer's National Insurance contribution and any pension contributions);

ii. necessary office accommodation costs;

iii. to meet travel and overnight expenses (which shall include car hire and taxi fares) of the qualifying party leader and any staff referred to in (i) above relating to travel within Scotland and travel commencing within Scotland to destinations within the UK (but outside Scotland) and return incurred whilst undertaking the duties of a Parliamentary party leader, or in the case of a member of staff assisting a Parliamentary party leader in his or her duties.

iv. to meet travel and overnight expenses including those of staff relating to travel to Brussels/Strasbourg for meetings as part of the duties of a Parliamentary party leader, or in the case of staff, assisting with those duties.

v. to meet travel and overnight expenses outside the UK including those of staff not covered by (3)(iii) or (iv) for meetings as part of the duties of a Parliamentary party leader, or in the case of staff assisting with those duties, provided that the SPCB authorises such travel in advance.

vi. office equipment and furniture.

(4) Subject to the provisions of this paragraph, the maximum amount of the allowance which may be claimed in a financial year is: -

a. in respect of a registered political party with fifteen but not more than twenty nine members £15,224 (full year) & £1,459 (year to 05/05/16).

b. In respect of a registered political party with thirty or more members £29,015 (full year) & £2,782 (year to 05/05/16)

(5) Subject to sub paragraph (6) where a member becomes a qualifying party leader during a financial year, the amount which may be claimed shall be the pro rata amount due from the date when that member became a qualifying party leader to the end of the relevant financial year.

(6) Where a qualifying party leader is replaced by his or her party by another qualifying party leader the amount which may be claimed by the replacement qualifying party leader shall be the balance remaining of the allowance (if any) for that financial year.

(7) Where any change of qualifying party leader occurs under sub-paragraph (6) above intimation in writing shall be given to the SPCB by the replacement qualifying party leader and the date applicable for eligibility for this allowance shall be the date of intimation of the change to the SPCB.

(8) Where any change in the number of members of a registered political party occurs (except a registered political party which has a member or members who is or are a member of the Scottish Executive or a junior Scottish Minister) by virtue of an election to fill the seat of a constituency member which is vacant or the filling of a seat of a regional member which is vacant, a re-calculation of the amounts payable under sub paragraph (4) shall be made and the re-calculation date shall be the date or the last date when the member or members concerned take the oath or affirmation of allegiance.

(9) In the event of general election resulting in any change in the number of members of a registered political party any calculation of the amounts claimable under sub paragraph (4) shall be the proportionate amount due for the remainder of the year.

(10) An employee of a qualifying party leader shall be employed on the terms and conditions determined by the SPCB from time to time but an employee can be employed on conditions which are more favourable to the employee provided that this does not entail the qualifying party leader exceeding the amount of this allowance.

(11) Whilst the remuneration of an employee shall be the responsibility of a qualifying party leader, the SPCB shall provide: -

- a. payroll services for such employee; and
- b. arrangements for employer's pension contributions to be paid to an employee's choice of pension scheme, and a qualifying party leader shall provide the SPCB with details of his or her employee to enable the SPCB to provide such services and make such arrangements.

(12) Daily commuting journeys of the staff of a qualifying party leader to and from the Parliament or, as the case may be, such other place which is the normal place of work do not qualify for payment under this allowance.

2. Winding-up Allowance

(1) Where a change of qualifying party leader occurs or where he or she ceases to be a Member of the Scottish Parliament or where the number of members of a registered political party falls below fifteen, the former qualifying party leader shall be eligible for a winding-up allowance.

(2) The maximum amount of the winding-up allowance shall be the equivalent of one third of the maximum amount payable, in accordance with paragraph 1(4), to which the former qualifying party leader was entitled prior to any change as set out in subparagraph (1).

Allowances Code

1. Any staff of a qualifying party leader, during the hours that such staff are contracted to perform or have volunteered, to undertake work for which a claim under this allowance is made under the scheme shall be restricted to support of the qualifying party leader as party spokesperson or representative but shall not extend to campaigning, whether during an election campaign or not, or to political canvassing.

2. No stationery provided to a qualifying party leader shall be used for campaigning, electoral activities or display of party materials.

3. A qualifying party leader may base his or her staff within a parliamentary or other office base but the qualifying party leader and any member of his or her staff shall not engage in any political activity from the parliamentary or other office base other than that provided for in paragraph 1.

4. A qualifying party leader may, where additional accommodation is required for the purpose of discharging his or her duty, sub-let or obtain the use of accommodation from his or her registered political party and may base any staff in such accommodation.

5. A qualifying party leader will be responsible to the SPCB for his or her observance of this code and will also be responsible for the activities of his or her staff.

6. A qualifying party leader has a duty to ensure that he or she utilises the allowances to which the scheme applies for the purpose for which they were intended. This includes any allowances for which any member of staff is eligible.

7. A qualifying party leader has a duty to ensure that he or she adheres to the terms of this code in spirit and in practice.