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**MEMBERS OF PARLIAMENT (ENTITLEMENTS)
COMMISSION (AMENDMENT) REGULATIONS 2011**

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CONSTITUTION OF THE SOLOMON ISLANDS
(SCHEDULE TO LN 43 OF 1978)

MEMBERS OF PARLIAMENT (ENTITLEMENTS) COMMISSION
(AMENDMENT) REGULATIONS 2011

IN exercise of the powers conferred upon it by sections 69B(2) and 137(1) of the Constitution, the Members of Parliament (Entitlements) Commission makes these Regulations –

Citation and
commence-
ment

1. (1) These Regulations may be cited as the Members of Parliament (Entitlements) Commission (Amendment) Regulations 2011, and commence on 1st April 2011.

(2) The Members of Parliament (Entitlements) Commission Regulations 1988 is referred to as the principal Regulations.

Regulation 4
amended

2. Regulation 4 of the principal Regulations is amended by repealing the definition of “payments and allowances”.

Regulation 7
amended

3. Regulation 7 of the principal Regulations is amended –

(a) by repealing subregulation (1) and substituting the following new subregulation –

“(1) The salary and allowances of a Member shall become payable from the date the Member is declared an elected candidate under section 55 of the National Parliament (Electoral Provisions) Act (Cap. 87),”; and

(a) in subregulation (2) by inserting “and any allowance associated with the ministerial position” after “salary”.

(b) by adding after subregulation (2) the following new subregulation –

“(3) A Member sentenced by a court as specified in section 51(1) of the Constitution shall continue to be paid salary until

(a) the expiry of 30 days from the date the court delivers the sentence;

- (b) if appeal is pending, the expiry of any extension granted by the Speaker or approved by Parliament; or
- (c) the appeal is determined resulting in the Member's seat becoming vacant.”.

4. Regulation 9 of the principal Regulations is amended – Regulation 9 amended

- (a) in subregulation (3)(a), by deleting “for charitable purposes at the discretion of the Member” and substituting “Members Discretionary Fund”;
- (b) in subregulation (3)(b)(i), by adding “, which shall be paid bi-annually to the Member” after “approved by Parliament.

5. Regulation 10 of the principal Regulations is amended by Regulation 10 amended repealing subregulations (4) and (5) and substituting the following new subsections –

“(4) A Member is entitled to S200 a day meal allowance when attending a sitting day of Parliament except that the allowance is not payable for non-sitting days or days when Parliament is in recess

“(5) A Member (other than a Minister) is entitled to be paid S300 for each sitting day, as local subsistence allowance.”.

6. Regulation 11A of the principal Regulations is amended – Regulation 11A amended

- (a) by adding after subregulation (1), the following new subregulation –

“(1A) If a Member resigns or ceases to be a Member during but is re-elected in the same life of Parliament, the Member is not entitled to be paid terminal grant unless the Member was paid partial terminal grant under subregulation (3), in which case shall be paid the difference if entitled to full terminal grant.”; and

- (b) in subregulation (2), by deleting “widow or widow or legal representative of the Member” and substituting “spouse and if there is no surviving spouse, then to the legal representative”.

Regulation 11C
amended

7. The principal Regulations are amended by repealing regulation 11C and substituting the following new regulation –

“11C. A Member who had served in Parliament for an aggregate period of years specified in column 1 of the Table is entitled to a life pension at the per centum rate of the current annual basic salary of a Member as set out in column 2 of the Table below –

Table

Aggregate period of years served in Parliament <i>(Column 1)</i>	Percentage of salary for life pension <i>(Column 2)</i>
8 to less than 12 years	30%
12 to less than 16 years	40%
16 to less than 20 years	50%
20 years to less than 24 years	75%
24 years or more	85%

Regulation 16
amended

8. The principal Regulations are amended by renumbering the current provision as subregulation (1) and by adding the following new subregulations –

“(2) The appointment grant under subregulation (1) is payable only once during the life of Parliament.

(3) No additional appointment grant shall be paid if –

- (a) a Member resigns or ceases to be a Member and is again re-elected into the same life of Parliament;
- (b) a Member resigns or is removed from an office in subregulation (1) and is re-appointed to that office or another office.”.

9. The principal Regulations are amended by repealing regulation 17 and substituting the following new regulation Regulation 17 substituted

“Education grant

17. (1) A Member is entitled to a maximum S10,000 education grant a year for the education of his or her children in schools within Solomon Islands.

(2) A Member shall provide proof of –

(a) the legitimacy of his or her child, including any grandchild, to the Clerk; and

(b) the details of the school fees from the school

(3) The education grant shall be paid directly to the school by cheque payment of up to a maximum of S10,000 as from the first month of the year upon written request by the Member.”.

10. The principal Regulations are amended by repealing regulation 18. Regulation 18 repealed
11. The principal Regulations are amended by repealing regulation 27A. Regulation 27A repealed
12. Regulation 34 of the principal Regulations is amended – Regulation 34 amended
- (a) in subregulation (2), by deleting “rental supplement” and substituting “housing allowance”;
- (b) in subregulation (3), by deleting “who occupies a Government house”;
- (c) in subregulation (3)(a), by inserting “,a driver” after “domestic servant”.
- (d) by adding after subregulation, the following new subregulation –
- “(4) The additional benefits in subregulation (3) do not apply if the holder of an office is a Member for a constituency in Honiara.”.

Regulation 35
amended

13. Regulation 35 of the principal Regulations is amended --

(a) in subsection (1), by inserting "decided and approved by the Clerk" after "standard accommodation"; and

(b) by repealing subsection (2) and substituting the following new subregulation --

"(2) If a Member uses his or her own house, hotel or motel when attending Parliament meetings, the Member --

(c) is entitled to a daily housing allowance calculated on the housing allowance of \$6,000 a month; and

(d) shall not move into another house, hotel or motel based on private arrangements without the approval of the Clerk.";

(c) by adding after subregulation (6), the following new subregulations --

"(7) Subregulations (1) to (5) apply when a Member is required to come to Honiara for the election of the Prime Minister.

(8) When a new Prime Minister is elected, the Clerk shall issue a 14 days' notice to a Caretaker Minister --

(a) to vacate any Government house occupied by the Caretaker Minister; or

(b) that any monthly rental or housing allowance payable to the Caretaker Minister shall cease from the date of election of the new Prime Minister.

(9) Subsection (8) does not apply if the Caretaker Minister is re-elected as a Member and is a Member of the Government side being considered for a Ministerial position unless the Member is not appointed as a Minister.

14. Regulation 42 of the principal Regulations is amended – Regulation 42
amended

- (a) in subsection (1) by deleting “free transport” and substituting “Government funded trips”; and
- (b) by adding after subregulation (1), the following new subregulation –

“(1A) A Government funded trip provided in subregulation (1)(b) and not used by 31st December each year is extinguished and not accumulated into the following year.”.
- (c) in subregulation (2), by deleting “Each Member is restricted to purchase one vehicle under this scheme whilst he or she is still a member of Parliament” and substituting “A Member is entitled to purchase one vehicle under this scheme during the term of the life of Parliament.”;
- (d) in subregulation (8), by deleting “holding and garaging government vehicles” and substituting “specified in subregulation (2) are entitled to hold and garage government vehicles and” after “Members of Parliament”;

15. Regulation 43 of the principal Regulations is amended – Regulation 43
amended

- (a) in subsection (1) by deleting “Free transport” and substituting “A Government funded trip”; and
- (b) by repealing subregulation (2) and substituting the following subregulations –

“(2) When the sittings of Parliament and the meetings of a Special Select or Standing Committee commences --

- (a) a Member of a constituency outside Honiara who is present in Honiara is only entitled to claim the monetary value of leg of the return trip from the constituency to Honiara; and
- (b) a Member of constituency outside of Honiara who is not present in Honiara is only entitled for a refund of the return trip to Honiara upon production receipt of transport costs.

(3) The Clerk to Parliament shall arrange for internal transport in Honiara for a Member during the meeting of Parliament or of any Special Select or Standing Committee.”.

Regulation 44
amended

16. Regulation 44 of the principal Regulations is amended --

- (a) by deleting “session” and substituting “meeting”;
- (b) by inserting “if the Member’s spouse, child, grandchild, parent or blood brother or sister or the spouse’s parent or blood brother or sister is seriously ill or dies” after “compassionate ground”;
- (c) by deleting “his family” and substituting “the spouse and any child under the age of 18 years”.

Regulation 50
amended

17. Regulation 50 of the principal Regulations is amended –

- (a) by repealing subregulation (1) and substituting the following new subregulations –
 - “(1) Where the Prime Minister’s spouse has to accompany the Prime Minister for any official overseas visit –
 - (a) the spouse is entitled to first class travel;
 - (b) the Prime Minister is entitled to double subsistence allowance (overseas) on the respective rate in Appendix A; and

- (c) when the spouse travels overseas with the Prime Minister for the first time after being elected (other than re-elected in the same term of Parliament), the Prime Minister is entitled overseas travel grant at the rate specified in Appendix A, in addition to the allowance paid under paragraph (b).
- (1A) The allowance under subregulation (1)(c) or subregulation 3(b) shall be claimed once only during the life of Parliament whether or not the allowance was paid with or without the accompanying spouse.”
- (b) in subregulation (2) by repealing the second sentence and substituting the following subsection –
- (3) A Member who is authorised to be accompanied by the spouse under subregulation (2) is entitled to be paid –
- (a) a double subsistence allowance (overseas) on the respective rate in Appendix A; and
 - (b) when the spouse travels with the Member for the first time after being elected (other than re-elected in the same term of Parliament), an overseas travel grant at the rate specified in Appendix A, in addition to the allowance paid under paragraph (b).

18. Regulation 53 of the principal Regulations is amended in subregulation (3) by deleting “he may claim full subsistence allowance applicable to him in Appendix A8” and substituting “the Member is entitled to claim half of the subsistence allowance applicable to the Member in Appendix A8”.

Regulation 53
amended

Regulation 59
amended

Regulation 59
amended

19. The principal Regulations are amended by –
- (a) repealing regulation 59 and substituting the following regulation –
- “Clothing allowance*
59. A Member is entitled to clothing allowance at the rate set out in Appendix A3 for the term of a life of Parliament payable when taking the first overseas official trip.”; and
- (b) by repealing Appendix A3 and substituting the following –

“CLOTHING ALLOWANCE [Reg. 59]

Prime Minister, Deputy Prime Minister, Leader of the Opposition, Leader of the Independent Group, Ministers, Members, Chairman of Parliamentary Caucus and Chairman of Standing Committees of the Parliament clothing allowance SUSD3,500”.

Regulation 70
amended

20. Regulation 70 of the principal Regulations is amended –
- (a) in subregulation (1), by deleting “S800.00” and substituting “S1,000”;
- (b) in subregulation (2), by deleting “S800.00” and substituting “S2,000”;
- (c) by adding after subregulation (2), the following new subregulations –
- “(3) A Member appointed as the Acting Chairman of any of the Parliamentary Standing Select Committees or Special Select Committees shall be paid at a rate of S1,000.00 a month.
- (4) The Deputy Speaker is entitled to S350.00 a day when presiding at a sitting of Parliament.”.

21. The principal Regulations are amended by adding after ^{Regulation 72} regulation 71 the following new regulation --
added

"Taxation of allowances

72. (1) All allowances, benefits and other payments include all fringe benefits paid under these Regulations shall be tax free.

(2) Subregulation (1) does not apply to salaries."

MADE AT HONIARA this first day of April, 2011.

CHAIRMAN
MEMBERS OF PARLIAMENT (ENTITLEMENTS) COMMISSION

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