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HELP SHEETS AND LEAFLETS

Help Sheets and leaflets giving more detailed information about particular tax rules for the Northern Ireland Legislative Assembly Pages are available from the Orderline:

- IR125: Using your own car or motorbike for work
- IR204: Lump sums and compensation payments
- IR206: Capital allowances for employees and office holders *
- Booklet 480: Expenses and Benefits A Tax Guide

* copy enclosed with these Notes

Filling in the Legislative Assembly Pages

The word 'office' is used in these Notes to include the office held as a Member of the Legislative Assembly and as a Member of the Legislative Assembly and Minister. Also 'P11D' means P11D, P9D or equivalent information.

The Legislative Assembly Pages cover only your Legislative Assembly income; make sure you also complete other Pages appropriate to your circumstances.

Gather together the material you need, for example:

- your P60, a Finance Office form showing pay and tax details for the year
- your Notices of Coding (P2) for 2001-02 and 2002-03
- a form P11D or equivalent statement from the Finance Office giving details of any benefits and expenses you have received in the year
- receipts for any allowable expenditure you have incurred
- any of the Help Sheets you think you need.

These Legislative Assembly Pages are based on the Employment Pages. However, fewer boxes are needed, so some box numbers are missing.

If you were in office on 5 April 2002

Your P60 should show the total pay and tax from your office (as well as from previous employments during the year). Your P45 (Part 1A) should, if you had one, also show pay from previous employments. Do not include in the Legislative Assembly Pages any amounts on your P60, or P45(Part 1A) relating to employment other than from your office of Legislative Assembly Member and/or Minister.

If you were a Member of the Legislative Assembly

Fill in **one** copy of the Legislative Assembly Pages.

If you changed Assembly office during the year

Fill in a **separate** copy of the Legislative Assembly Pages for **each** office from which you received any income in the year ended 5 April 2002.

If you held office as a Member of the Legislative Assembly and/or Minister and a non-Assembly office or employment at the same time

Fill in your Legislative Assembly Pages for your Legislative Assembly income. Fill in a separate set of Employment Pages for each non-Legislative Assembly employment from which you received any income.

Details of office

boxes 1.3, 1.4 and 1.6 Enter the dates you became or finished being a Member of the Legislative Assembly and/or Minister if these are between 6 April 2001 and 5 April 2002. Tick box 1.6 if you held ministerial office during this period.

Income from office■ **Money**

boxes 1.8 and 1.10 Enter in the boxes the money you received as a Member of the Legislative Assembly or as a Minister.

Your P60 will show figures for pay and tax from the office you held at 5 April 2002. If you had more than one office or were unemployed during the year to 5 April 2002, the form may also include a second set of pay and tax details for your previous offices and any taxable Jobseeker's Allowance or Incapacity Benefit you received. The details for previous offices or Jobseeker's Allowance or Incapacity Benefit received will be added together in the figures on your P60. So you may need to refer to other records (such as payslips, forms P45(Part 1A), or statements of taxable benefit) to work out:

- the figures for pay from the earlier offices to go in each copy of the Legislative Assembly Pages you complete (one for each office); **and**
- the figures for Jobseeker's Allowance or Incapacity Benefit that go on page 4 of your Tax Return. Make sure that you do not include figures for Jobseeker's Allowance or Incapacity Benefit in the Legislative Assembly Pages (or any copies of the Employment Pages you fill in).

Notes on **NORTHERN IRELAND LEGISLATIVE ASSEMBLY**

Some of the more common items to be included are explained in the 'Money payments' section below. If you received an item or payment in connection with your office and are not sure whether to include it, ask your Inland Revenue office or your tax adviser.

General rule**Include all income received in the year.**

The amounts you enter in boxes 1.8 and 1.10 should include **all** the income you received in the 2001-02 tax year as a Legislative Assembly Member and/or Minister even if you earned it in an earlier tax year or you have been paid for work not yet done.

Treat this income as if you received it on the earlier of:

- the date when the payment, or payment on account, was made, **or**
- the date you became entitled to be paid.

This is so even if you were not paid until later, or received no actual payment because you arranged for the sum due to you to be applied in some other way instead.

- Money payments

For every item you must enter the amount **before** deducting any expenses you wish to claim.

Money payments you should include in boxes 1.8 and 1.10 are:

- your salary as a Legislative Assembly Member and/or Minister (box 1.8)
- statutory sick pay and statutory maternity pay except when paid by the SSA (box 1.8)
- payments from third parties where the payment is made as a reward for services given in your capacity as a Legislative Assembly Member and/or Minister (box 1.10)
- payments received from third parties which are for services yet to be given in your capacity as a Legislative Assembly Member and/or Minister (box 1.10).

Items you should not include in boxes 1.8 and 1.10 are:

- benefits and expenses payments received - these go in boxes 1.15 to 1.23

- Tax deducted

box 1.11 Enter in box 1.11 the amount of any tax deducted from the amounts entered in boxes 1.8 and 1.10.

- **Benefits, expenses and balancing charges**

The Finance Office is required to send us details of all benefits provided to you by reason of your office. They also give details of taxable expenses paid to you. The Finance Office will give you details.

The details you get will not include any items for which the Finance Office has a **dispensation**. You do not need to refer to these items. (A **dispensation** is an arrangement the Finance Office may have made with the Inland Revenue office. It saves you the trouble of including as income a benefit or expenses payment you receive as an Assembly Member or Minister and then making a matching claim for the allowable expenses you incur.)

- Mileage allowances - using your own transport for Legislative Assembly business

box 1.15 If the Finance Department pays you a mileage allowance for using your own transport on Legislative Assembly

business, the amounts you receive may be more than the costs of the journeys. The extra is taxable profit; enter this in box 1.15. If the amounts you receive are less than the costs of your journeys you can claim tax relief for the difference by including it in box 1.35.

If you are using your own car, the Finance Department should provide you with a profit figure based on our authorised tax-free mileage rates. You can enter this in box 1.15.

If you are using your own motorbike or bicycle, the Finance Department should provide you with details of the mileage allowances you have been paid. You can use our authorised mileage rates (24p and 12p per mile respectively) to calculate the costs of your journeys and, therefore, whether there is a taxable profit or whether you can claim relief.

If:

- you want to work out the amount of any taxable profits or relief on the basis of the allowances you received and the actual costs of using your own transport on Legislative Assembly business, **or**
- you need more information,

ask the Orderline for leaflet *IR125: Using your own car or motorbike for work*.

Mileage Allowances paid by the Finance Office for private journeys, whether by car, motorbike or by bicycle, are taxed and included in the total on your P60 at the end of the year. You do not need to include anything for these private journeys in box 1.15.

- Office Costs Allowance: non-capital items

box 1.16 Payments you receive from the Finance Office to reimburse you for expenses you incur, in the performance of your duties as a Legislative Assembly Member and/or Minister on running an office or on secretarial and research assistance, are all taxable. (Claim any expenses allowable for tax purposes by filling in boxes 1.33 to 1.35.)

Enter in box 1.16 the amount reimbursed or paid to you, or on your behalf, by the Finance Office for the day to day running expenses of your office. The Finance Office should provide you with details. Do not include in box 1.16 any amounts for the purchase of office equipment as this is capital - use box 1.17 instead.

Examples of sums to be included in box 1.16 are those you receive which cover:

- day to day office expenses - like heating, lighting, telephone, post, stationery
- secretarial and research assistance - salary, employer's National Insurance contributions, payments to casual assistants.

- Office Costs Allowance: capital items

box 1.17 Under the Office Costs Allowance rules, the Finance Office can reimburse to you the cost of office equipment such as a word-processor, a personal computer or mobile telephone. You are taxable on these reimbursed sums. The Finance Office should provide you with details. Enter the total in box 1.17. (If you want to claim capital allowances fill in box 1.35.)

- Other cash reimbursements

box 1.19 Enter in box 1.19 any reimbursements made to you by the Finance Office for vehicle hire costs, taxi fares or any taxable reimbursement not entered elsewhere in these Pages. Any claim for tax relief for these payments can be made in boxes 1.33 to 1.35.

Notes on **NORTHERN IRELAND LEGISLATIVE ASSEMBLY**

- All other benefits

box 1.22 The Finance Office should have given you details of other benefits. (Those mentioned in boxes 1.15 to 1.19 are the most common.) Enter in box 1.22 the total cash equivalent of any other benefits you receive as a Legislative Assembly Member and/or Minister not specifically mentioned elsewhere.

Cash equivalents of other benefits

Cash equivalents are arrived at in different ways, according to the type of benefit.

Assets (other than land and motor vehicles) provided for private use

Where the asset has been available throughout the year the cash equivalent will generally be based on:

- 20% of its market value when it was first used to provide a benefit **plus**
- expenses (other than the cost of acquiring it) incurred in connection with it which would not have been incurred but for the provision of the benefit.

But if that total represents benefits provided for more than one employee the cash equivalent for each will be based on a proportion of the whole amount. The cash equivalent is reduced by any amount made good to the provider in return for the benefit. For more information, ask your Inland Revenue office or tax adviser.

All other benefits

The cash equivalent is generally what the benefit cost the person who provided it (*minus* any amount made good to the provider). If that amount represents benefits for more than one employee, the cash equivalent for each is a proportion of the whole amount. This cost is the amount which the provider would have saved if the benefit had not been provided. But if that amount represents benefits provided for more than one employee the cash equivalent for each will be based on a proportion of the whole amount. For more information see booklet 480: *Expenses and Benefits A Tax Guide* available from the Orderline.

Make sure you include in box 1.22 the benefit of a car, or car and fuel, made available to you by reason of your office as a Legislative Assembly Member. Do not include in box 1.22 the benefit of a car, or car and fuel, or other benefits made available to you by reason of a non-Assembly office or employment. Enter these on the appropriate set of Employment Pages of your Tax Return.

Some of the more common benefits are listed in the Working Sheet below to help you arrive at a total for box 1.22.

Working Sheet for box 1.22

Assets provided for private use	£
Home telephone(s)	£
Subscriptions and professional fees	£
Goods or services provided	£
Nursery places provided (in some circumstances this benefit is not chargeable - see booklet 480)	£
Educational assistance provided (in some circumstances this benefit is not chargeable - see booklet 480)	£
All other benefits	£
Total	A £

Copy the figure in box A to box 1.22 in the Assembly Pages.

- Balancing charges

box 1.23 When the Finance Office reimburses you, or pays on your behalf, the cost of buying office equipment, the sums are taxable.

You can claim tax relief for the annual depreciation of equipment which you need to use in carrying out your duties. This relief is called 'capital allowances'. Sometimes, when you sell or give away an item of equipment, some of the capital allowances will be recovered. This is called a 'balancing charge'.

A detailed explanation of how capital allowances are worked out is given in *Help Sheet IR206: Capital allowances for employees and office holders* a copy of which is enclosed. If you need further guidance, ask your Inland Revenue office or tax adviser. Your attention is drawn to the specific provisions relating to Northern Ireland contained in the Help Sheet.

- Lump sums and compensation payments or benefits**

boxes 1.24 to 1.29 Different rules apply to different types of lump sum payments. If, during the year to 5 April 2002, you received a lump sum or compensation payment from the Finance Office such as, for example, a Resettlement Grant, please ask the Orderline for *Help Sheet IR204: Lump sums and compensation payments*. You will need this to fill in boxes 1.24 to 1.30.

box 1.30 Enter in box 1.30 the amount of any tax deducted from lump sums and compensation payments.

- Expenses paid out by you**

boxes 1.33 to 1.35 This section explains the rules for claiming expenses necessarily incurred in performing your duties as a Legislative Assembly Member and/or Minister. Please note that the Finance Office may make payments for you, which are not tax deductible.

'Dispensations'

Do not include in your claim any expenses which you have paid if:

- you can claim them back from the Finance Office, **and**
- the expenses are covered by a **dispensation**.

(If you are uncertain whether the Finance Office has a dispensation you should ask for details. Also see the section headed 'Benefits, expenses and balancing charges' on page MLAN2.)

However, if you have incurred allowable expenditure over and above the amount covered by the dispensation you may be entitled to claim a deduction for the excess.

- Secretarial and clerical, and research assistance

box 1.33 You can claim the expense of employing secretarial, clerical and research assistants when necessarily incurred in performing your duties as a Legislative Assembly Member and/or Minister. The claim will usually equal the amount of your Office Costs Allowance used for these staff expenses. The Finance Office will provide you with details.

Notes on **NORTHERN IRELAND LEGISLATIVE ASSEMBLY**

Enter **separately** in the 'Additional information' box, box 1.40 on Page MLA2, the amount of payments to:

- secretarial and clerical assistants; **and**
- research assistants.

Add these amounts together and enter the total in box 1.33.

These payments include payments you made from your own funds and those notified to you by the Finance Office.

The total expenses cannot exceed the income from your office including payments notified to you by the Finance Office.

- Office expenses

box 1.34 Enter in box 1.34 the total spent during the year on the day to day running of your office, for example, on heating, lighting, telephone, post, stationery. The figure will often correspond to the amounts that have been paid to you or on your behalf by the Finance Office for those sorts of items. They will give you details.

If, during the year, you have paid amounts other than through the Finance Office, put the total of these amounts in box 1.34.

- Other expenses and capital allowances

box 1.35 Enter **separately** in the 'Additional information' box, box 1.40 on Page MLA2, the amount of:

- other expenses; **and**
- capital allowances.

Add these amounts together and enter the total in box 1.35.

Other expenses

You can claim only those expenses which each and every person doing your job would have to meet. The expenses have to be incurred in actually carrying out the duties of the job. Expenses that might put you in a position to do your job, rather than actually doing it, are not allowable.

Most of the expenses which you can claim have been covered earlier. However, you may be able to claim for other expenses you incur in the performance of your duties, for example, payments you have entered in box 1.19 and which meet the qualifying conditions for tax relief. You may have agreed claims with us on other items in the past. If so, you should work out the amount of allowable expenses on the agreed basis. If you are uncertain about what you may be entitled to claim you should ask your Inland Revenue office for help **before** filling in box 1.35.

Capital allowances

Capital allowances will normally be available on the capital cost to you of equipment it is necessary for you to provide for use in carrying out your duties as a Legislative Assembly Member and/or Minister. *Help Sheet IR206: Capital allowances for employees and office holders* tells you how they are calculated. A copy is enclosed. Your attention is drawn to the specific provisions relating to Northern Ireland contained in the Help Sheet.

If during the year you start or stop using an item, for your duties as a Legislative Assembly Member and/or Minister, work out the capital allowances as if you had bought or sold it on that date using the market value at the time.

If your motor vehicle costs are dealt with under the Fixed Profit Car Scheme (FPCS) in box 1.15, do not claim capital allowances for that car. The FPCS already includes relief. If however, you are claiming tax relief on the basis of the actual costs of using your own car on Assembly business, you can make a claim for capital allowances. (Leaflet *IR125: Using your own car or motorbike for work* explains how to do this.)

Pension provision

Your salary as an Assembly Member or Minister falls within the formal pension scheme administered by the Finance Office. Therefore (unless you do not belong to the scheme) you are unable to claim relief for retirement annuity payments or personal pension contributions in relation to this income.

The Finance Office administers on behalf of Members an Additional Voluntary Contribution Scheme through Equitable Life. Relief for contributions made to these schemes is given by deducting amounts paid from the salary payment before tax is charged. Therefore, you do not need to claim for these contributions. If you need help, the Finance Office and/or the employing Department will be able to advise you.

Limit on contributions

Your contributions to all schemes mentioned here must not, in aggregate, exceed a 15% limit of earnings (up to an earnings limit of £95,400 in some cases).

Retirement benefits schemes of employers

If you decide to make a lump sum contribution to the Finance Office then, provided the contribution does not exceed the limit, enter the lump sum figure in box 14.10 on page 5 of your Tax Return. (Only claim for payments which have not been deducted at source from your salary before tax has been charged.)

Free-Standing Additional Voluntary Contributions schemes

As and when the appropriate changes are made to the Pension Scheme to allow such payments you will be able to pay up to 15% of your salary as an Assembly Member or Minister (up to the earnings limit of £95,400 in some cases), *minus* what you paid to other schemes mentioned above, to a Free-Standing Additional Voluntary Contributions (FSAVC) scheme. You get relief automatically at the basic rate of tax on these payments when you pay them. If you are taxable at the higher rate, further relief is available. Enter the gross amount of the FSAVC payments in box 14.11 on page 5 of your Tax Return: this is the amount you actually paid to your FSAVC provider plus the tax relief which you deducted from the payment.

These notes are for guidance only, and reflect the position at the time of writing. They do not affect any rights of appeal.