



Local Government Act 1948

1948 CHAPTER 26

PART VI

ALLOWANCES TO MEMBERS OF LOCAL AUTHORITIES AND OTHER BODIES.

111 Bodies to which Part VI applies and members thereof.

- (1) This Part of this Act shall apply to the following bodies, that is to say.—
 - (a) the councils of counties, county boroughs, metropolitan boroughs, county districts and rural parishes ;
 - (b) any divisional executive established under the Education Acts; 1944 and 1946 (hereafter in this Part of this Act referred to as a " divisional executive for education ") ;
 - (c) any body established in pursuance of regulations made under subsection (4) of section twenty-two of the National Health Service Act, 1946 (hereafter in this Part of this Act referred to as a " divisional executive for health services ") ;
 - (d) catchment boards ;
 - (e) assessment committees ;
 - (f) local valuation panels ;
 - (g) any joint committee, joint board, joint authority or other combined body all the members of which are representatives of local authorities ; and
 - (h) any such other body as may be prescribed, being a body established in pursuance of any statutory provision upon which any such body as is mentioned in any of the preceding paragraphs of this subsection is represented.
- (2) For the purposes of this Part of this Act, save as otherwise expressly provided, a member of a committee or sub-committee of a body to which this Part of this Act applies shall be deemed to be a member of that body.
- (3) Nothing in this Part of this Act shall apply to the Common Council of the City of London and a member of that council shall not be entitled to receive any payment under this Part of this Act, either as a member of that council or as a member of any other body to which this Part of this Act applies on which he represents that council.

112 Financial loss allowance.

(1) A member of a body to which this Part of this Act applies shall be entitled to receive "a payment by way of financial loss allowance where—

- (a) loss of earnings which he would otherwise have made ; or
- (b) additional expense (other than expense on account of travelling or subsistence) to which he would not otherwise have been subject,

is necessarily suffered or incurred by him for the purpose of enabling him to perform any approved duty as a member of that body :

Provided that any payment made under this subsection in respect of any one period of twenty-four hours shall not exceed—

- (i) where the period of time over which earnings are lost or additional expenses are incurred is not more than four hours, the sum of ten shillings ; or
- (ii) where the said period of time is more than four hours, the sum of twenty shillings.

(2) A member of a parish council shall not be entitled to any payment under this section in respect of any approved duty as a member of that council performed within the area of the parish.

113 Travelling allowance and subsistence allowance.

(1) A member of a body to which this Part of this Act applies shall be entitled to receive payments, at rates which shall be determined by the body but which shall not exceed those prescribed, by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any approved duty as a member of that body:

Provided that—

- (a) a member of the council of a borough (including a metropolitan borough), of an urban district or of a rural parish shall not be entitled to any payments under this section in respect of the performance of any approved duty within the area of that council;
- (b) a member of any other body to which this Part of this Act applies who is a member thereof as the representative of any such council as is mentioned in the foregoing proviso shall not be entitled to any payment under this section in respect of the performance of any approved duty within the area of that council;
- (c) without prejudice to the foregoing provisos, a member of a body shall not be entitled to any payment under this section in respect of the performance of any approved duty within the area of that body except in respect of duties performed at a distance of more than three miles from his usual place of residence ;
- (d) the rates of payments under this section to members of a divisional executive for education or of a divisional executive for health services shall, instead of being determined by the executive, be determined by the local education authority within the meaning of the Education Acts, 1944 and 1946, or, as the case may be, by the local health authority within the meaning of the National Health Service Act, 1946.

- (2) Section two hundred and ninety-four of the Local Government Act, 1933, the Local Government (Members' Travelling Expenses) Act, 1937, section seventy-three of the London County Council (General Powers) Act, 1939, section one hundred and sixty-three of the London Government Act, 1939, and section eleven of the Education Act, 1946, shall not have effect in respect of expenses incurred after the passing of this Act.
- (3) In section two hundred and sixty-seven of the Local Government Act, 1933, (which authorises a local authority, other than a parish council, to defray in certain cases the reasonable expenses incurred by their members or officers in attending a conference or meeting), the words "other than a parish council " shall be repealed.

114 Bodies by whom payments by way of allowances are to be made.

- (1) Any amounts by way of allowances payable under this Part of this Act—
 - (a) in respect of an approved duty performed by any person as a member of a divisional executive for education shall be payable by the local education authority within the meaning of the Education Acts, 1944 and 1946 ;
 - (b) in respect of an approved duty performed by any person as a member of a divisional executive for health services shall be payable by the local health authority within the meaning of the National Health Service Act, 1946 ;
 - (c) in any other case, shall be payable by the body as a member of which the person claiming payment performed the approved duty in respect of which the right to payment under this Part of this Act arises.
- (2) Where, by or under any statutory provision other than this Part of this Act, a body to which this Part of this Act applies has power to defray the expenses incurred by the members of the body on account of travelling for the purposes of the performance of approved duties as members of the body, or otherwise to relieve the members of the body from the burden of meeting those expenses, that statutory provision shall cease to have effect in relation to the members of the body, but subject as aforesaid nothing in this Part of this Act shall affect any such statutory provision :

Provided that where a local education authority in England and Wales or an education authority in Scotland incur expenditure under this Part of this Act in paying or contributing towards the expenses of a member thereof on account of travelling for the purpose of attending a conference, being a conference in respect of which the authority is authorised to incur expenditure by or under section eighty-three of the Education Act, 1944, or, as the case may be, section twenty-eight of the Education (Scotland) Act, 1946, the first-mentioned expenditure shall, for the purpose of determining the amount of any sum payable to the authority out of moneys provided by Parliament, or out of the Education (Scotland) Fund, be deemed to have been incurred under the Education Acts, 1944 and 1946, or, as the case may be, the Education (Scotland) Act, 1946.

- (3) Where a body to which this Part of this Act applies has power, otherwise than under this Part of this Act, to defray expenses (other than expenses on account of travelling) incurred by any person in respect of which that person is entitled to a payment by way of allowance under this Part of this Act, that power shall not be so exercised as to defray those expenses otherwise than in accordance with the provisions of this Part of this Act, but subject as aforesaid nothing in this Part of this Act shall affect any other power of the body to defray expenses.

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- (4) Subject to the provisions of subsection (2) of this section, any expenditure under this Part of this Act by a body to which this Part of this Act applies shall not be taken into account for the purpose of determining the amounts of any sums payable to that body out of moneys provided by Parliament otherwise than by way of an Exchequer Equalisation Grant within the meaning of Part I or Part II of this Act:

Provided that nothing in this subsection shall be construed as affecting the duty of the Minister to pay the expenses of local valuation panels.

- (5) Any expenditure under this Part of this Act by the council of a rural parish shall be left out of account for the purposes of subsection (3) of section one hundred and ninety-three of the Local Government Act, 1933 (which limits the sums which may be required to be raised in any financial year to meet the expenses of a parish council, other than expenses under the adoptive acts), and, accordingly, in the said subsection (3), after the words " other than expenses under the adoptive acts " there shall be inserted the words " or under Part VI of the Local Government Act, 1948 ".
- (6) In the application of this section to Scotland, any reference in subsection (2) to a statutory provision shall be construed as including a reference to a rule of the common law.

115 Meaning of " approved duty ".

In this Part of this Act, the expression " approved duty ", in relation to a member of a body, means any of the following duties, that is to say.—

- (a) attendance at a meeting of the body, or of any committee or sub-committee thereof ;
- (b) the doing of any other thing approved by the body for the purpose of, or in connection with, the discharge of ' the functions of the body, or of any committee or sub-committee thereof;
- (c) attendance as a representative of the body at a conference or meeting convened by one or more bodies to which this Part of this Act applies "or by any association of such bodies, where the body has power, under any statutory provision other than this Act, to defray the expenses incurred in such attendance ; "or
- (d) where, in pursuance of a duty imposed on or a power granted to the body by any statutory provision or Royal Charter, he has been appointed by or on the nomination of the body to be a member of any such other body as may be prescribed, not being a body to which this Part of this. Act applies, the doing of anything as a member of that other body for the purpose of the discharge of the functions of that other body:

Provided that paragraph (d) of this section shall not apply where—

- (i) the person who is the subject of the appointment is a member of a committee or sub-committee of the body to which this Part of this Act applies by or on whose nomination he was appointed ; and
- (ii) it is by reason only of his being a member of such a committee or sub-committee that he is deemed for the purposes of this Part of this Act to be a member of that body.

116 Allowance to chairman of district council for expenses of office.

A district council in England and Wales may pay to the chairman of the council for the purpose of enabling him to meet the expenses of his office such allowance as the council may think reasonable. ,

117 Regulations for the purposes of Part VI.

- (1) The Minister may make regulations as to the manner in which the provisions of this Part of this Act are to be administered, and in particular, and without prejudice to the generality of the preceding provision, may make regulations—
 - (a) providing for the avoidance of duplication in payments under this Part of this Act, or between payments under this Part of this Act and under any other Act, where, in any one period of twenty-four hours, a person performs approved duties as a member of more than one body to which this Part of this Act applies, or, as the case may be, becomes entitled to payments both under this Part of this Act and under any other Act, and for the determination of the body or bodies by whom any payments to which that person is entitled are to be made, and, where such payments are to be made by more than one body, for the apportionment between those bodies of the sums payable ;
 - (b) prescribing anything which under this Part of this Act is to be prescribed ;
 - (c) specifying the forms to be used and the particulars to be provided for the purpose of claiming payments under this Part of this Act;
 - (d) providing for the publication by a body to which this Part of this Act applies, in the minutes of that body or otherwise, of details of payments made under this Part of this Act.
- (2) The power to make regulations conferred by this section shall be exercisable by statutory instrument, and any statutory instrument under this section shall be laid before Parliament after it is made.

118 Application of preceding provisions to Scotland.

- (1) This Part of this Act shall apply to Scotland subject to the modifications contained in the following subsections of this section.
- (2) For any reference to the Minister of Health there shall be substituted a reference to the Secretary of State.
- (3) For subsection (1) of section one hundred and eleven of this Act there shall be substituted the following subsection—
 - “(1) This Part of this Act shall apply to the following, bodies, that is to say—
 - (a) county, town and district councils ;
 - (b) any probation committee ;
 - (c) any joint committee, joint board, joint authority or other combined body all the members of which are representatives of such councils as aforesaid ;
 - (d) any such other body as may be prescribed, being a body established in pursuance of any statutory provision upon which any such body as is mentioned in any of the preceding paragraphs of this subsection is represented ;

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- (e) the governing body administering an educational endowment under any scheme approved or deemed to have been approved under Part VI of the Education (Scotland) Act, 1946.”
- (4) Section one hundred and eleven of this Act shall have effect as if there were added at the end of subsection (2) the following words—
- “and any body of persons constituted by an education authority to advise or assist them in the performance of their functions shall, whether or not they are members of the authority, be deemed to be a sub-committee of the education committee of the authority.”
- (5) Section one hundred and thirteen of this Act shall have effect as if for the proviso to subsection (1) there were substituted the following proviso—
- “Provided that—
- (i) the following persons—
- (a) a member of the town council of a burgh ; or
- (b) a member of any such council who as the representative of that council is serving as a member of any joint committee, joint board, joint authority Or other body to which this Part of this Act applies,
- shall not be entitled to payment under this section in respect of the performance of any approved duty within ' the area of that council either as a member thereof or as a member of that committee, board, authority or body; and
- (ii) without prejudice to the foregoing paragraph a member of a body shall not be entitled to any payment under this section in respect of the performance of any approved duty as a member of that body within the area thereof except in respect of duties performed at a distance of more than three miles from his usual place of residence.”
- (6) Section one hundred and fourteen of this Act shall have effect as if for subsection (1) there were substituted the following subsection—
- “(1) Any amounts by way of allowances payable under section one hundred and twelve or section one hundred and thirteen of this Act—
- (a) in respect of an approved duty performed by any person as a member of the education committee of a council or of any sub-committee thereof shall be deemed to be expenditure of the council for the purpose of their functions relating to education ;
- (b) in any other case shall be payable by the body as a member of which the person claiming the payment performed the approved duty in respect of which the right to payment under this Part of this Act arises, and any amount so payable by a county council to a person in respect of any approved duty performed by him in relation to any purpose for which a burgh is included within the county shall be apportioned and allocated in accordance with section two hundred and fourteen of the Local Government (Scotland) Act, 1947.”
- (7) Expenditure under this Part of this Act by a district council shall not be taken into account in calculating the limit imposed on the district rate by section two hundred and twenty-six of the Local Government (Scotland) Act, 1947.

- (8) Section three hundred and thirty-eight of the Local Government (Scotland) Act, 1-947, and any provision of a scheme approved or deemed to have been approved under Part VI of the Education (Scotland) Act, 1946, authorising a governing body to pay allowances in respect of travelling or other personal expenses incurred by members of the body and by members of committees thereof, shall not have effect in respect of expenses incurred after the passing of this Act.

119 Expenses incurred by members of councils in Scotland in attending conferences, &c.

- (1) There may, subject to such limitation with respect to numbers as may be prescribed by the Secretary of State, be paid—
- (a) allowances in respect of expenses reasonably incurred by members of a county, town or district council in Scotland or any committee thereof (including any committee to which section fifty-two of the Local Government (Scotland) Act, 1947 applies) or of any sub-committee thereof in respect of attendance at a conference or meeting held for the purpose of discussing any matter connected with the discharge of the functions of the council or of the committee or sub-committee, and convened by one or more such councils or by any -other body or association for the time being recognised by the Secretary of State for the purposes of this section ; and
 - (b) any reasonable expenses incurred in purchasing reports of the proceedings of any such conference or meeting :

Provided that—

- (i) no such allowance in respect of any matter referred to in section one hundred and twelve or in section one hundred and thirteen of this Act shall exceed the rate prescribed therefor by that section ; and
 - (ii) nothing in this section shall affect the provisions of any other enactment authorising the payment of expenses incurred by members of a county, town or district council or of any committee or sub-committee thereof in attending any conference or meeting or authorise any such council to defray any expenses to which such enactment applies, except in accordance with the provisions of that enactment.
- (2) A county council may pay to the convener of the county and a town council may pay to the provost of the burgh for the purpose of enabling the convener or provost, as the case "may be, to meet the special expenses of his office such allowance as the council may think reasonable.
- (3) A district council in Scotland may make annual or other contributions towards the expenses of any association of such councils approved by the Secretary of State and consisting of representatives of a majority of such councils and formed for the purpose of considering matters connected with their statutory functions and other matters relating to local government in Scotland, not being matters connected with statutory functions exercisable only by other local authorities :

Provided that such contributions shall not exceed such limits as may from time to time be prescribed by the Secretary of State after consultation with the said association.

- (4) Any expenditure incurred under subsection (1) of this section in relation to a conference or meeting shall be defrayed as part of such branch or branches of expenditure as the council may determine, having regard to the, purpose for which the

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conference or meeting is held, and any expenditure incurred under subsection (2) of this section shall be defrayed as general' expenses of the council.