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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about the payment of allowances to members of local authorities and certain related bodies.

Regulations which relate to schemes under section 18 of the Local Government and Housing Act 1989 come into force on 1st March 1991, and the remainder comes into force on 1st April 1991. Part I prescribes certain education committees as bodies to which sections 174 (travelling allowance and subsistence allowance) and 175 (allowances for attending conferences and meetings) of the Local Government Act 1972 apply, and provides for members of certain joint authorities (established by Part IV of the Local Government Act 1985) to be treated as councillors for those purposes and for the purposes of the Regulations.

Part II requires certain authorities to prepare schemes for the payment of allowances to their members and for the amendment of such schemes. Authorities making schemes are required to make provision for the payment of basic allowances (regulation 8), special responsibility allowances (regulation 9) and may also provide for attendance allowances (regulation 10).

Part III imposes financial restrictions in relation to schemes made under Part II. There is an overall ceiling (the “relevant maximum”) which is calculated by reference to the “standard maximum” or, if greater, the “transitional maximum” (regulation 12). These terms are defined in regulation 11(2). The Table in the Schedule to the Regulations is relevant for the determination of the “standard maximum”. Within that overall ceiling, there are further restrictions on the percentage of the estimated total that may be paid by way of particular allowances and the maximum that an individual may receive by way of special responsibility allowance.

Part IV makes further provision about the content of allowance schemes, including the right to forgo all or part of an entitlement to an allowance and claims procedures.

Part V applies to allowances payable under the Local Government Act 1972. Regulation 16 defines “approved duty” for those purposes. Regulations 17 and 18 contain financial restrictions. Regulation 19 prescribes certain bodies for the purposes of section 177(1)(f) of the 1972 Act, which remains in force for the purpose of the payment of financial loss allowances (*see* paragraph 1 of the Schedule to the Local Government and Housing Act 1989 (Commencement No. 11 and Savings) Order 1991).

Part VI deals with administrative arrangements. Regulations 20 to 22 make provision for the avoidance of duplication. Regulations 23 to 25 describe the body by which allowances under section 173 or 174 of the 1972 Act are to be paid. Regulation 26 requires records to be kept of payments under allowances schemes and under the 1972 Act and provides for public inspection of any such record.

Part VII revokes existing Regulations dealing with members' allowances, subject to savings.