
STATUTORY INSTRUMENTS

1995 No. 553

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Authorities (Members'
Allowances) (Amendment) Regulations 1995**

<i>Made</i>	- - - -	<i>2nd March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 173, 175(1A) and 178 of the Local Government Act 1972(1), sections 18 and 190(1) of the Local Government and Housing Act 1989(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Authorities (Members' Allowances) (Amendment) Regulations 1995 and shall come into force on 1st April 1995.

(2) In these Regulations “the principal regulations” means the Local Authorities (Members' Allowances) Regulations 1991(3).

Special responsibility allowances

2. In regulation 9 of the principal Regulations there are substituted—

- (a) in paragraph (1), for the words “shall provide”, the words “may provide”, and
- (b) in paragraph (2) for the words “The scheme shall”, the words “Any scheme making such provision as is mentioned in paragraph (1) shall”.

Attendance allowances

3. Regulation 10 of the principal Regulations is amended by inserting—

(1) 1972 c. 70. Section 173 is amended by the Local Government, Planning and Land Act 1980 (c. 65), section 24(1), and by the Local Government and Housing Act 1989 (c. 42), Schedule 11 paragraph 26. Section 175(1A) is inserted by paragraph 27 of Schedule 11 to the 1989 Act. Section 178 is amended by Part II of Schedule 12 to the 1989 Act. See also the definition of “prescribed” in section 270 of the 1972 Act.

(2) 1989 c. 42.

(3) S.I. 1991/351; relevant amendment is by S.I. 1994/615.

- (a) in paragraph (1)(a), after the words “paragraph (3)” the words “or (3A)”;
- (b) after paragraph (3), the following—
 - “(3A) The duties referred to in this paragraph are duties undertaken on behalf of the authority—
 - (a) in pursuance of any standing order requiring a member or members to be present while tender documents are opened;
 - (b) in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; or
 - (c) in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 188 (special schools) of the Education Act 1993(4).”

Removal of financial restrictions

- 4. The following provisions of the principal Regulations are revoked:
 - (a) regulations 11 and 12;
 - (b) in regulation 17, paragraph (1); and
 - (c) the Schedule.

Increase of allowances

- 5.—(1) The principal Regulations are amended as follows.
- (2) For paragraph 17(2) from the beginning to “ £25.20” there is substituted—
 - “(2) Any payment of an allowance under section 175 of the 1972 Act in the nature of an attendance allowance (other than such a payment by a body to which Part II applies to a member who is a councillor) shall not exceed £26.20”;
- (3) In regulation 18(1) (attendance allowance) for “£25.20” there is substituted, in respect of an approved duty performed on or after 1st April 1995, “ £26.20”.
- (4) In regulation 18(2) (financial loss allowance), in respect of an approved duty performed on or after 1st April 1995—
 - (a) in paragraph (a) for “ £21.45” there is substituted “£22.30”; and
 - (b) in paragraphs (b) and (c), for “ £42.90” there is substituted “£44.60”.

Publicity

- 6. After regulation 26 of the principal Regulations there is inserted the following—

“Publicity

26A.—(1) Every authority shall, as soon as practicable after the making or amendment of any scheme made pursuant to these Regulations, make arrangements for its publication within the authority’s area.

(2) As soon as practicable after the end of a year to which a scheme relates, every authority shall make arrangements for the publication within the authority’s area of the total sum paid by it in that year under the scheme to each member in respect of each of

the following, namely, basic allowance, special responsibility allowance and attendance allowance.”

Revocation

7. The Local Authorities (Members' Allowances) (Amendment) Regulations 1994(5) are revoked.

Signed by authority of the Secretary of State.

1st March 1995

David Curry
Minister of State,
Department of the Environment

2nd March 1995

John Redwood
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Members' Allowances) Regulations 1991 (“the 1991 Regulations”), which provide for the circumstances in which allowances are to be payable to members of local authorities, and for the maximum amount to be payable in respect of certain allowances.

Regulation 2 amends regulation 9 of the 1991 Regulations so that authorities are empowered, rather than required, to make schemes which provide for the payment of special responsibility allowances to elected members. Regulation 4 removes financial restrictions on the amounts which may be payable under allowance schemes, and regulation 6 provides for the publication of allowance schemes within an authority’s area.

Regulation 3 amends regulation 10 of the 1991 Regulations to provide for circumstances (in addition to attendance at certain meetings) in which an attendance allowance may be payable to elected members.

Regulation 5 increases by 2.8 per cent. the maxima which may be payable to parish and community councillors and to non-elected members of local authorities by way of allowances under section 173(1) (attendance allowance) and section 175 (allowances in respect of attendance at conferences and meetings) of the Local Government Act 1972, and increases by 3.9 per cent. the maximum payable by way of allowances under section 173(4) (financial loss allowance) of that Act.