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WELSH STATUTORY INSTRUMENTS

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**2004 No. 2555**

**The Local Authorities (Allowances for Members  
of Fire Authorities) (Wales) Regulations 2004**

**PART 2**

Schemes for Members' Allowances

**Interpretation**

4. For the purpose of these Regulations the term of office of a member shall be regarded as beginning on the date on which that member is appointed as such by a constituent authority and the term of office of a chairperson or vice-chairperson of a fire authority shall be regarded as beginning on the date on which that member is elected as such by the fire authority.

**Allowance schemes**

5.—(1) A fire authority shall —

- (a) make a scheme in accordance with these Regulations in respect of each year for the payment of allowances described in this Part; and
- (b) pay such allowances in accordance with such a scheme.

(2) When a scheme is to be revoked in accordance with regulation 6, the fire authority shall before the revocation takes effect make a further scheme for the period beginning with the date on which the revocation takes effect.

**Amendment of schemes**

6.—(1) A scheme made under this Part may be amended or revoked at any time.

(2) Subject to paragraph (3), a scheme made under this Part may make provision, in respect of the year ending 31 March 2006 and subsequent years, for an annual adjustment of allowances.

(3) An annual adjustment to be made by a fire authority shall —

- (a) in the case of fire authority allowance, not exceed the amount which equals the average of all (if any) annual adjustments made by its constituent authorities to basic allowance<sup>(1)</sup> payable by those authorities in that year under the 2002 Regulations; and
- (b) in the case of fire authority chairperson's allowance and fire authority vice-chairperson's allowance, not exceed the amount which equals the average of all (if any) annual adjustments made by its constituent authorities to special responsibility allowance<sup>(2)</sup> payable by those authorities in that year under the 2002 Regulations.

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(1) See regulation 7 of S.I.2002/1895 (W.196).

(2) See regulation 8 of S.I. 2002/1895 (W.196).

(4) Where an amendment is to be made to a scheme which affects an allowance payable for the year in which the amendment is made, the scheme may provide for the entitlement to such allowance as amended to apply with effect from the beginning of the year in which the amendment is made.

(5) Where a scheme does not provide for the entitlement to an allowance as amended to apply with effect from the beginning of a year as described in paragraph (4) —

- (a) the amendment shall be effective from the date of amendment; and
- (b) entitlement to such allowance as amended shall be to payment of such proportion of that allowance as the number of days on which that allowance has effect during that year bears to the number of days in that year.

### **Fire authority allowances**

7.—(1) A scheme made under this Part shall provide for the payment for each year to which the scheme relates of a fire authority allowance to each member of the fire authority and the amount of such allowance shall be the same for each member.

(2) For the purposes of the year beginning on the date of the coming into force of these Regulations and ending on 31 March 2005, the amount of fire authority allowance payable to each member under the scheme shall not exceed £505.

(3) Subject to paragraphs (2), (3)(a), (4) and (5) of regulation 6, the amount of fire authority allowance payable to each member under the scheme for the year ending 31 March 2006 shall not exceed £1,002.

(4) For the purposes of years commencing on or after 1 April 2006, the amount of fire authority allowance payable to each member under the scheme shall (subject to paragraphs (2), (3)(a), (4) and (5) of regulation 6) not exceed the amount of that allowance payable in the previous year.

(5) The scheme shall provide that where the term of office of a member comprises part only of a year, the entitlement of that member shall be to payment of such proportion of the fire authority allowance as the number of days on which that office is held during that year bears to the number of days in that year.

(6) The scheme shall specify that where a member is suspended or partially suspended<sup>(3)</sup> from that member's responsibilities or duties as member in accordance with Part III of the 2000 Act or regulations made under that Part<sup>(4)</sup>, the part of fire authority allowance payable to that member in respect of the period for which that member is suspended or partially suspended shall be withheld by the fire authority.

(7) A scheme made under this Part shall provide that no more than one fire authority allowance shall be payable to a member.

### **Fire authority chairperson's allowances and vice-chairperson's allowances**

8.—(1) A scheme made under this Part shall provide for the payment for each year to which the scheme relates of a fire authority chairperson's allowance and a fire authority vice-chairperson's allowance.

(2) For the purposes of the year beginning on the date of the coming into force of these Regulations and ending on 31 March 2005, the amount of —

- (a) a fire authority chairperson's allowance payable to a chairperson under the scheme shall not exceed £4,591; and

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(3) See section 83(7) to (10) of the Local Government Act 2000.

(4) See, in particular, S.I. [2001/2287 \(W.171\)](#).

- (b) a fire authority vice-chairperson's allowance payable to a vice-chairperson under the scheme shall not exceed £3,529.
- (3) Subject to paragraphs (2), (3)(b), (4) and (5) of regulation 6, the amount of —
  - (a) fire authority chairperson's allowance payable to a chairperson under the scheme for the year ending 31 March 2006 shall not exceed £9,108; and
  - (b) fire authority vice-chairperson's allowance payable to a vice-chairperson under the scheme for the year ending 31 March 2006 shall not exceed £7,000.
- (4) For the purposes of years commencing on or after 1 April 2006, the amount of —
  - (a) fire authority chairperson's allowance payable to a chairperson under the scheme shall (subject to paragraphs (2), (3)(b), (4) and (5) of regulation 6) not exceed the amount of that allowance payable in the previous year; and
  - (b) fire authority vice-chairperson's allowance payable to a vice-chairperson under the scheme shall (subject to paragraphs (2), (3)(b), (4) and (5) of regulation 6) not exceed the amount of that allowance payable in the previous year.
- (5) The scheme shall provide that where the term of office of a member as chairperson (or vice-chairperson) comprises part only of a year, the entitlement of that member shall be to payment of such proportion of the fire authority chairperson's allowance (or fire authority vice-chairperson's allowance) as the number of days on which that office is held during the year bears to the number of days in that year.
- (6) The scheme shall specify that where a member is suspended or partially suspended from that member's responsibilities or duties as chairperson or vice-chairperson in accordance with Part III of the 2000 Act or regulations made under that Part, the part of fire authority chairperson's allowance or fire authority vice-chairperson's allowance payable to that member in respect of the period for which that member is suspended or partially suspended shall be withheld by the fire authority.