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WELSH STATUTORY INSTRUMENTS

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**2007 No. 1086**

**The Local Authorities (Allowances for Members) (Wales) Regulations 2007**

**PART 8**

Amendments to the Fire and Rescue Authority Regulations

- 41.**—(1) The Fire and Rescue Authority Regulations are amended as follows.
- (2) In regulation 2 —
- (a) for the definition of “2002 Regulations”, substitute —
- ““2007 Regulations” (“*Rheoliadau 2007*”) means the Local Authorities (Allowances for Members) (Wales) Regulations 2007”;
- (b) in the appropriate place, insert —
- ““co-opted member” (“*aelod cyfetholedig*”) means in relation to a fire authority a person who is not a member of the fire authority but who —
- (a) is a member of any committee or sub-committee of the fire authority; or
- (b) is a member of, and represents the fire authority on, any joint committee or joint sub-committee of the fire authority,
- and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;”;
- (c) in the definition of “member”, for “and paragraph (2) of regulation 15” substitute “, paragraph (2) of regulation 15 and regulation 15A”.
- (3) In regulation 3, for “section 100(1)(b) and (d)” substitute “section 100(1)(b), (c) and (d)”.
- (4) In regulation 6(3)(a) and (b), for “2002 Regulations” substitute “2007 Regulations”.
- (5) In the Welsh text of regulation 8(4), in sub-paragraphs (a) and (b) omit “ar gyfer y flwyddyn sy'n gorffen ar 31 Mawrth 2006”.
- (6) In the Welsh text of regulations 8(6), 10(a) and 16(a), for “gyfrifoldebau a'i ddyletswyddau”, substitute “gyfrifoldebau neu ei ddyletswyddau”.
- (7) In regulation 13(2), omit sub-paragraph (a).
- (8) In regulation 14(2), for “2002 Regulations” substitute “2007 Regulations”.
- (9) After regulation 15, insert —

“**15A.**—(1) Subject to paragraphs (2) to (7), a fire authority may provide for the payment of an allowance for each year to a co-opted member in respect of attendance at conferences and meetings (co-optees' allowance).

(2) In determining the responsibilities or duties in respect of which co-optees' allowance may be payable, a fire authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel for Wales under Part 6 of the 2007

Regulations, in so far as those matters relate to the responsibilities or duties in respect of which co-optees' allowance may be payable, which for the time being apply to any of that fire authority's constituent authorities.

(3) The amount of co-optees' allowance payable to a co-opted member by a fire authority for a year must not exceed the amount which equals the average of all (if any) co-optees' allowances payable by that fire authority's constituent authorities in that year under the 2007 Regulations.

(4) Subject to paragraph (5) a fire authority may make provision for an annual adjustment of co-optees' allowance.

(5) An annual adjustment of co-optees' allowance by a fire authority must not exceed the amount which equals the average of all (if any) annual adjustments made by that fire authority's constituent authorities to co-optees' allowance payable by those authorities in that year under the 2007 Regulations.

(6) Where the term of office of a co-opted member comprises part only of a year, the entitlement of that co-opted member is to payment of such proportion of co-optees' allowance payable to that co-opted member as the number of days on which that office is held during the year bears to the number of days in that year.

(7) Where a co-opted member is suspended or partially suspended from that co-opted members' responsibilities or duties as a co-opted member of a fire authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any co-optees' allowance payable to that co-opted member in respect of the period for which that co-opted member is suspended or partially suspended must be withheld by the fire authority.

**15B.**—(1) Subject to regulation 15A(3) and (5), a fire authority may amend the amount of co-optees' allowance payable for a year at any time in that year.

(2) Where a fire authority makes such an amendment, whether in pursuance of regulation 15A(5) or otherwise, that fire authority may provide for the entitlement to co-optees' allowance as amended to apply with effect from the beginning of the year within which the amendment is made.”.

(10) In regulation 16 —

(a) for “member concerned”, substitute “member or co-opted member concerned”; and

(b) in paragraph (a) —

(i) for “member’s responsibilities”, substitute “member’s or co-opted member’s responsibilities”;

(ii) for “member, chairperson”, substitute “member, co-opted member, chairperson”; and

(iii) in paragraph (b), after “member” insert “or co-opted member”.

(11) After regulation 17(2), insert —

“(3) A fire authority shall specify a time limit from the date on which an entitlement to travel allowance or subsistence allowance arises during which a claim for such allowance must be made by the person to whom the allowance is payable.

(4) Nothing in paragraph (3) shall prevent an authority from making a payment where the allowance is not claimed within the period so specified.”.

(12) In the Welsh text of regulation 19(1), after “bob awdurdod”, insert “tân”.

(13) For regulation 19(3), substitute —

“(3) As soon as practicable after the end of each year, every fire authority shall make arrangements for the publication within the fire authority’s area of the total sum paid by it in that year to each member in respect of —

- (a) care allowance;
- (b) travel allowance; and
- (c) subsistence allowance.”.

(14) After regulation 19(3), insert —

“(4) As soon as practicable after the end of each year, every fire authority shall make arrangements for the publication within the fire authority’s area of the total sum paid by it in that year to each co-opted member in respect of co-optees’ allowance.”.