

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in accordance with sections 11 and 16 of the Local Governance (Scotland) Act 2004 (“the 2004 Act”). They amend sections 47, 48 and 49 of the Local Government (Scotland) Act 1973, and repeal section 4(8) of the Local Government etc. (Scotland) Act 1994 (“the 1994 Act”).

Regulation 2 provides for the amendment of section 47 of the 1973 Act, which concerns allowances for attendance at conferences and meetings, to disapply it to local authorities. Section 47(3), providing for local authorities to pay allowances to members for attendance at certain conferences or meetings, is repealed.

Regulation 2 also provides for amendment of section 48 of the 1973 Act. That section enables local authorities to defray certain travelling and other expenses for official and courtesy visits on behalf of the authority, and certain expenses incurred in reception and entertainment by way of official courtesy. The amendments provide that the local authority may reimburse receipted expenses incurred by members that meet the criteria of the section. The amendment of section 48(2) provides that, for expenses in relation to official and courtesy visits within the United Kingdom, the amount defrayed by the authority shall not exceed the payments that the member would be entitled to receive if the visit had been an approved duty of the member under section 11 of the 2004 Act. This replaces the reference to travel and subsistence allowances under section 46 which no longer applies to local authority members.

Regulation 2, by amending section 49 of the 1973 Act, disapplies section 46 of the 1973 Act to members of local authorities. Such members are not entitled to travelling and subsistence allowance under that section.

Regulation 3 repeals section 4(8) of the 1994 Act, which permitted local authorities to pay an allowance to the convener or depute convener in relation to the expenses of office.