



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART IV

LOCAL GOVERNMENT ALLOWANCES

24 **Right of councillor to opt for financial loss allowance.**

- (1) In section 173 of the ^{M1}Local Government Act 1972 (attendance allowance and financial loss allowance) at the end of subsection (1) (right of member of local authority who is a councillor to receive attendance allowance) there shall be added the words “unless a notice under section 173A below is effective in relation to him”.
- (2) The following section shall be inserted after that section:—

“173A Right to opt for financial loss allowance.

- (1) If a councillor gives notice in writing to the local authority of which he is a member that he wishes to receive financial loss allowance, he shall be entitled, subject to and in accordance with the following provisions of this section, to receive that allowance instead of any payment by way of attendance allowance to which he would otherwise be entitled.
- (2) A notice under this section is referred to in this section as a “financial loss allowance notice”.
- (3) If a councillor gives a financial loss allowance notice to the local authority not later than the end of the period of four weeks from his election as a member of the authority, he shall be entitled to receive financial loss allowance for the performance of any approved duty since his election, whether performed before or after giving of the notice.
- (4) If a councillor who has not given the local authority a financial loss allowance notice in accordance with subsection (3) above gives them such a notice

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not less than three months before the beginning of a financial year, he shall be entitled to receive financial loss allowance for the performance of any approved duty performed not earlier than the beginning of that financial year.

(5) A financial loss allowance notice shall continue to have effect until the councillor ceases to be a member of the local authority or until a notice under subsection (6) below takes effect, whichever occurs first.

(6) If not less than three months before the beginning of a financial year a councillor who has given the local authority of which he is a member a financial loss allowance notice gives them notice in writing that he withdraws that notice, he shall be entitled to receive payments by way of attendance allowance, instead of financial loss allowance, for the performance of any approved duty after the beginning of the financial year following the giving of the notice.”

(3) This section does not extend to Scotland.

Modifications etc. (not altering text)

C1 The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1972 c. 70.

25 Amendments relating to allowances to members of local authorities and other bodies.

(1) In subsection (1) of section 174 of the ^{M2}Local Government Act 1972 (by virtue of which travelling and subsistence allowances are payable to members of local authorities and other bodies but the Secretary of State has power to specify maximum rates in the case of travel for the purpose of an approved duty within the United Kingdom) and in subsection (1) of section 46 of the ^{M3}Local Government (Scotland) Act 1973 (which makes similar provision for Scotland) after the word “travel” there shall be inserted the words “or subsistence”.

(2) Subsection (3) of the said section 174 (by virtue of which subsistence allowance is not payable to a member of a body except in respect of a duty performed at a distance of more than three miles from his usual place of residence) and subsection (2) of the said section 46 (which makes similar provision for Scotland) shall cease to have effect.

(3) The following subsections shall be inserted after section 175(3) of the said Act of 1972—

“(3A) In relation to a water authority this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in their opinion relate to the interests of their area or any part of it or the interests of the persons for whom they provide their services or any of those persons.

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(3B) In relation to any such body as is mentioned in section 177(1)(d) or (e) below this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in the body’s opinion relate—

- (a) to the functions of the body; or
- (b) to any functions of local authorities in which the body has an interest.”.

(4)

^{F1}(5) The following subsection shall be inserted after section 47(3) of the said Act of 1973:

“(3A) In relation to any such body as is mentioned in section 49(1)(c) or (d) below this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in the body’s opinion relate—

- (a) to the functions of the body; or
- (b) to any functions of local authorities in which the body has an interest.”.

Textual Amendments

F1 S. 25(4) repealed by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(3), [Sch. 5](#)

Modifications etc. (not altering text)

C2 The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 1972 c. 70.

M3 1973 c. 65.

26 Introduction of special responsibility allowances for members of local authorities.

^{F2}(1)

^{F2}(2)

^{F3}(3)

(4) In section 50 of that Act (regulations as to allowances)—

- (a) after the word “48” there shall be inserted the words “ and 49A ”;
- (b) in subsection (2), for the words “or 49” there shall be substituted the words “ 49 or 49A ”.

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Textual Amendments

- F2** S. 26(1)(2) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch. 12 Pt. II](#); S.I. 1991/344, [art. 3\(2\)\(b\)\(iv\)](#)
- F3** S. 26(3) repealed with savings (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch. 12 Pt. II](#); S.I. 1991/344, [art. 3\(2\)\(b\)\(iv\)](#), [Sch.](#)

Modifications etc. (not altering text)

- C3** The text of s. 26(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

27 Vice-chairmen of councils in Scotland and application of Part IV to Scotland.

- (1) The following section shall be inserted after section 3 of the ^{M4}Local Government (Scotland) Act 1973:—

“3A Vice-chairman.

- (1) A council may appoint a member of the council to be vice-chairman of the council.
 - (2) The vice-chairman shall hold office until the expiry of the term of office of the council.
 - (3) A person holding the office of vice-chairman shall be eligible for re-election as vice-chairman but shall cease to hold that office upon ceasing to be a councillor.
 - (4) Subject to any standing order made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
 - (5) A council may pay the vice-chairman, for the purpose of enabling him to meet the expenses of his office, such allowance as the council think reasonable.”
- (2) Section 24 above does not extend to Scotland, and this section extends to Scotland only.

Modifications etc. (not altering text)

- C4** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M4** 1973 c. 65.

Status:

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Changes to legislation:

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