
STATUTORY INSTRUMENTS

1991 No. 397

**The Local Authorities Etc. (Allowance)
(Scotland) Regulations 1991**

**PART I
GENERAL**

Citation and commencement

1.—(1) These Regulations may be cited as the Local Authorities Etc. (Allowances) (Scotland) Regulations 1991.

(2) Regulations 1 to 21 of these Regulations shall come into force on 5th March 1991 and all other regulations thereof shall come into force on 1st April 1991.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1973 Act” means the Local Government (Scotland) Act 1973;

“the 1976 Act” means the Licensing (Scotland) Act 1976(1);

“the 1989 Act” means the Local Government and Housing Act 1989;

“approved duty” has the same meaning as in section 49(2) of the 1973 Act(2);

“committee or sub-committee”, in relation to a local authority, includes a joint committee of the local authority and one or more other local authorities or, as the case may be, any sub-committee of such a joint committee;

“constituent council” in relation to a joint board, means any local authority which appoints members to that board.

“councillor” means, in relation to a local authority, an elected member of that authority and, in relation to a joint board, any member of that board who is treated as if he were a councillor by virtue of regulation 15;

“joint board” has the same meaning as in section 235(1) of the 1973 Act;

“local authority” means a regional, islands or district council;

“licensing board” means a licensing board constituted under section 1 of the Licensing (Scotland) Act 1976(3);

“political group”, in relation to a local authority, means a political group constituted in accordance with Schedule 1, and “leader” and “deputy leader” of a political group shall be construed accordingly;

(1) 1976 c. 66.

(2) Section 49(2) was amended by the Local Government and Planning (Scotland) Act 1982, section 60(2) and Schedule 4, Part I.

(3) 1976 c. 66; section 1 was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 3, paragraph 37.

“relevant maximum”, “standard maximum”, “total estimated allowances”, “transitional maximum” shall be construed in accordance with regulation 12(2);

“section 49A of the 1973 Act” means that section as applied in relation to members of licensing boards by section 3 of the 1976 Act and as read with that section;

“year” means the period of 12 months beginning with 1st April.

(2) For the purposes of these Regulations, members of a local authority are to be treated as divided into different political groups when there is at least one political group in existence constituted in accordance with Schedule 1.

(3) For the purposes of these Regulations, the term of office of a councillor who is a member of a local authority, shall begin—

(a) in the case of a councillor elected to that office on or after 3rd May 1990, on the date on which he makes a declaration of acceptance of that office under section 33A of the 1973 Act⁽⁴⁾; and

(b) in any other case, on the day on which he was elected to that office.

(4) Unless the context otherwise requires, any reference in these Regulations—

(a) to a numbered Part of a numbered regulation or a numbered Schedule is a reference to the Part, regulation or, as the case may be, Schedule bearing that number in these Regulations; and

(b) to a numbered paragraph in a regulation or in a Schedule is a reference to the paragraph bearing that number in that regulation or in that Schedule.

(4) Section 33A was inserted by the Local Government and Housing Act 1989, section 30(1).