

2003 No. 1692

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Members' Allowances) (England)
(Amendment) Regulations 2003**

Made - - - - - *7th July 2003*

Laid before Parliament *10th July 2003*

Coming into force *31st July 2003*

The First Secretary of State, in exercise of the powers conferred upon him by sections 18 and 190(1) of the Local Government and Housing Act 1989(a) and sections 100 and 105(2), (3) and (4) of the Local Government Act 2000(b), and of all other powers enabling him in that behalf, and having carried out such consultation as is required by section 100(5) of the Local Government Act 2000, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003 and shall come into force on 31st July 2003.

(2) These Regulations apply in England only(c).

Amendment of Local Authorities (Members' Allowances) (England) Regulations 2003

2. The Local Authorities (Members' Allowances) (England) Regulations 2003(d) shall be amended in accordance with the provisions of these Regulations.

Amendment of regulation 17 (Transitional Provisions)

3.—(1) Regulation 17 shall be amended as follows.

(2) In paragraph (1) for the words "29th September" there shall be substituted the words "30th December".

(3) In paragraph (2) for the words "30th September" there shall be substituted the words "31st December".

(4) In paragraph (4) for the words "30th September" there shall be substituted the words "31st December".

(a) 1989 c.42; section 18 is amended by paragraph 37 of Schedule 4 to the Police and Magistrates Court Act 1994 (c.29), paragraph 97 of Schedule 37 to the Education Act 1996 (c.56) and section 99 of the Local Government Act 2000 (c.22).

(b) 2000 c.22.

(c) The Secretary of State's functions under sections 18 and 190 of the Local Government and Housing Act 1989, so far as exercisable in relation to Wales are transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Local Government and Housing Act 1989 and see section 106(3) of the Local Government Act 2000. See also section 100(7) of the Local Government Act 2000 for the power of the National Assembly for Wales to make regulations in relation to allowances. The Secretary of State's functions under the Local Government and Housing Act 1989, so far as exercisable in relation to Scotland, are now functions of the relevant Scottish minister by virtue of the Scotland Act 1998 (c.46).

(d) S.I. 2003/1021.

Amendment of regulation 23 (Transitional provisions for independent remuneration panels)

4.—(1) Regulation 23 shall be amended as follows.

(2) For the words “within four months of the date on which these Regulations come into force” there shall be substituted “on or before 30th November 2003”.

Amendment of regulation 25 (Parish basic allowance)

5.—(1) Regulation 25 shall be amended as follows.

(2) In paragraph (9) for the words “30th September” there shall be substituted the words “31st December”.

Amendment of regulation 26 (Parish travelling and subsistence allowance)

6.—(1) Regulation 26 shall be amended as follows.

(2) In paragraph (4) for the words “30th September” there shall be substituted the words “31st December”.

Amendment of regulation 34 (Disapplication)

7.—(1) Regulation 34 shall be amended as follows.

(2) In paragraph (2) for the words “30th September” there shall be substituted the words “31st December”.

Signed by authority of the First Secretary of State

7th July 2003

Nick Raynsford
Minister of State,
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the first 2003 Regulations") so as to allow more time for the authorities subject to those Regulations to comply with the requirements of those Regulations.

The first 2003 Regulations provide that certain authorities have to make a scheme in respect of members' allowances that complies with those Regulations. However the first 2003 Regulations included transitional provisions enabling authorities to rely on any scheme made under the Regulations that previously regulated such allowances until 29th September 2003, The new scheme had to be in force by 30th September 2003. Regulation 3 of these Regulations extends that transitional period so that the authorities have until 31st December 2003 to comply.

The first 2003 Regulations provide that in making their schemes authorities have to have regard to the recommendation of an independent remuneration panel the composition of which must conform to certain requirements. The first 2003 Regulations included transitional provisions in respect of these independent remuneration panels. They provided that authorities could continue to rely on any panel constituted under the provisions of the Regulations that had previously applied to such panels. However the first 2003 Regulations provide that the composition of any such panel must conform with the new requirements within four months of the coming into force of the first 2003 Regulations, that is by 31st August 2003. Regulation 4 of these Regulations extends the period by which the panels must conform to 30th November 2003.

The first 2003 Regulations gave parish councils the power to make certain payments to their members. The statutory provisions upon which parish councils previously made payments to their members are disapplied by the first 2003 Regulations with effect from 30th September 2003. This transitional period was intended to give parish councils time to make arrangements under the new powers, which involved consideration of a recommendation from a parish remuneration panel, but to ensure that they could still rely on the earlier provisions while such arrangements were being set up. The first 2003 Regulations also included provisions to ensure that a parish council could not pay a member twice, while the two different powers were both in force, in respect of the same duty. Regulations 5, 6 and 7 of these Regulations provide that the provisions previously relied on will now be disapplied with effect from 31st December and that the provision against double payment is extended accordingly.

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£1.75

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E0959 7/03 ON (MFK)