

**EXPLANATORY MEMORANDUM TO THE  
LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND)  
(AMENDMENT) REGULATIONS 2004**

**2004 No. 2596**

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.
  
2. **Description**
  - 2.1 This instrument amends existing Regulations governing the payment of allowances to members of parish councils.
  - 2.2 The existing Regulations provide that a parish council may pay travelling and subsistence allowance to its elected members. These Regulations amend the current regulations to provide that travelling and subsistence allowance may be paid not only to elected members but also co-opted and appointed members.
  - 2.3 They also make provision for reimbursement by parish councils of expenses incurred by co-opted and appointed members in respect of travelling and subsistence expenses incurred during the period between the 31<sup>st</sup> December 2003 and the coming into force of these amending Regulations.
  
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
  
4. **Legislative Background**
  - 4.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 [SI 2003/1021] make provision in respect of the payment of allowances to members of local authorities. They include provision, made under the powers in section 100 of the Local Government Act 2000, in respect of the payment of travelling and subsistence allowance to members of parish councils.
  - 4.2 The 2003 Regulations restrict the eligibility for such travelling and subsistence allowances to elected members only. However, it was subsequently acknowledged that such allowance should have been made available to all members of parish councils, whether elected, co-opted or appointed.

- 4.3 These Regulations amend the 2003 Regulations so as to provide that parish councils may pay travelling and subsistence allowances to all its members, not just the elected members.
- 4.4 They also make provision, again under the powers in section 100 of the Local Government Act 2000, enabling parish councils to reimburse co-opted and appointed members in respect of any monies expended in respect of their travelling and subsistence expenses and incurred in the course of their official duties during the time when they were not able to claim such allowance.

## **5. Extent**

- 5.1 This instrument applies to England only.

## **6. European Convention on Human Rights**

This instrument is subject to negative procedure and does not amend primary legislation. Therefore no statement as to compatibility is required.

## **7. Policy background**

- 7.1 This amendment enables non-elected members of parish councils to receive travelling and subsistence allowance. Since 31<sup>st</sup> December 2003, when the provisions which previously governed the payment of such allowances ceased to apply, members of parish councils who had been co-opted onto or appointed to the council, as opposed to being directly elected, had not been able to claim travelling and subsistence allowance.
- 7.2 This situation had been caused by an administrative oversight and was drawn to the Office's attention by parish councils and their representative bodies who asked that the situation be remedied.
- 7.3 These representative bodies have been consulted on these amending regulations and support them.

## **8. Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as no impact on business, charities or voluntary bodies is foreseen.
- 8.2 Any impact on the public sector is likely to be minimal.

## **9. Contact**

Dave Robson  
ODPM  
5/B2  
Eland House  
Bressenden Place  
London  
SW1E 5DU

020 7944 4184

[dave.robson@odpm.gsi.gov.uk](mailto:dave.robson@odpm.gsi.gov.uk)