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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 18 of the Local Government and Housing Act 1989 provides power for the Secretary of State to authorise or require any “relevant authority” (which includes combined fire authorities) specified in the Regulations to make a scheme providing for the payment, to members of the authority, of:

- a basic allowance; and
- a special responsibility allowance.

This power is now vested in the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999.

Section 100 of the Local Government Act 2000 (“the 2000 Act”) provides for the National Assembly for Wales to make provision by regulations with respect to travelling and subsistence allowances and the reimbursement of expenses incurred by members of such relevant authorities as may be prescribed.

These Regulations require fire authorities in Wales to make schemes for the payment of a basic allowance (“fire authority allowance”) and special responsibility allowances (“fire authority chairperson’s allowance” and “fire authority vice-chairperson’s allowance”) following the coming into force of these Regulations and in subsequent years. These Regulations also provide for the payment of care allowances and travel and subsistence allowances.

Regulation 3 prescribes fire authorities as relevant authorities for the purposes of section 100(1)(b) and (d) of the 2000 Act.

Regulation 5 provides that where a scheme, made under these Regulations, is revoked an authority must ensure that a further scheme is in place to take effect from the date of any such revocation.

Regulation 6 provides that a scheme may be amended or revoked at any time and enables fire authorities, from the year commencing 1 April 2005 onwards, to make an annual adjustment to allowances payable under their schemes. The amount of an annual adjustment to a fire authority allowance is restricted to the average of any adjustments made by a fire authority’s constituent councils to their basic allowances in that year. The amount of an annual adjustment to a fire authority chairperson’s allowance or fire authority vice-chairperson’s allowance is restricted to the average of any adjustments made by a fire authority’s constituent councils to their special responsibility allowances in that year.

Regulation 7 requires a scheme to contain provisions relating to a fire authority allowance for all fire authority members. Only one fire authority allowance per member shall be payable under a scheme. Regulation 7 also prescribes the maximum amount of fire authority allowance for the year ending 31 March 2005 and provides for the maximum amount of that allowance in subsequent years. Under regulation 7, a fire authority is able to withhold the payment of a fire authority allowance from a member in circumstances where the member is suspended or partially suspended in accordance with Part III of the 2000 Act or regulations made under that Part.

Regulation 8 requires fire authorities to make provision for a fire authority chairperson’s allowance and a fire authority vice-chairperson’s allowance. The maximum amount of both those allowances is prescribed for the year ending 31 March 2005 and regulation 8 also provides for the maximum amount of those allowances in subsequent years. As with the fire authority allowance, a fire authority may withhold the payment of fire authority chairperson’s and fire authority vice-chairperson’s allowances in certain circumstances.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 9 requires that a scheme under Part 2 shall specify the amount of the fire authority allowance and the fire authority chairperson's allowance and fire authority vice-chairperson's allowance.

Regulation 10 describes the circumstances in which a fire authority may recover allowances paid to a member of that authority under a scheme.

A scheme under Part 2 shall contain a provision to allow a member to forgo any part of their entitlement under the scheme by virtue of regulation 11 and may, under regulation 12, set out the times for payments of allowances to be made (which may be different for different allowances).

Regulation 13 provides discretion for a fire authority to pay a care allowance. Different amounts of care allowance are available to a chairperson, vice-chairperson and member who incurs expenses arranging for the care of children or dependants whilst undertaking fire authority duties. Regulation 13 prescribes the differing maximum amount of care allowance available to a chairperson, vice-chairperson and member during the year ending 31 March 2005 and provides for the maximum amount of care allowance payable to those offices in subsequent years. In certain circumstances, a fire authority may withhold a payment of care allowance from a member.

Regulation 14 entitles fire authorities to make an annual adjustment to the amount of care allowance available for a chairperson, vice-chairperson and member. The amount of an adjustment is limited.

Regulation 15 provides for payment of travel or subsistence allowance to members, at rates to be determined each year. Those rates are to be linked to rates payable to Members of the National Assembly for Wales in so far as they shall not exceed rates received by Assembly Members. Travel and subsistence claims (except claims relating to travel by private motor vehicle) are to be made on an "actual" basis, must be accompanied by relevant receipts for expenditure incurred and must additionally comply with any requirement or limitation determined by an authority. In certain circumstances, a fire authority may withhold payment of travel or subsistence allowance from a member.

Regulation 16 provides for the circumstances in which a fire authority may recover care, travel or subsistence allowances paid to a member of that authority.

Regulation 17 provides that claims by fire authority members in accordance with these Regulations shall be paid by a fire authority of which the claimant is a member. Regulation 17 also provides for all claims made for care allowance, travel allowance or subsistence allowance to be accompanied by a statement that the claimant has not and will not make any other claim in respect of the matter to which the claim relates.

Regulation 18 requires every fire authority to keep a record of any payments made in accordance with these Regulations or any scheme made under them, giving details of the recipient and the nature of the payment. That information should be available for inspection (free of charge) by any local government elector in the area of any of the constituent authorities of a fire authority. Copies of the information may be obtained on payment of a reasonable fee to an authority.

In accordance with Regulation 19 any scheme made under these Regulations must be publicised in the authority's area as soon as practicable after it is made. As soon as practicable after the end of a year to which a scheme relates, each authority shall publish details of the total sum paid under the scheme to each member in respect of fire authority allowance, fire authority chairperson's allowance and fire authority vice-chairperson's allowance.

Regulation 19 also provides that as soon as practicable after the end of a year, each fire authority shall publish the details of the total sum paid to each member in respect of care allowance.

Regulation 20 disapplies sections 174 and 175 of the Local Government Act 1972 as respects fire authorities.