



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART III

GENERAL PROVISIONS AS TO MEMBERS OF LOCAL AUTHORITIES AND PROCEEDINGS

Allowances to members of local authorities and other bodies

45 Attendance allowance and financial loss allowance

- (1) Any member of a local authority who is a councillor shall be entitled to receive a payment by way of attendance allowance, that is to say, a payment for the performance of any approved duty, being a payment of such reasonable amount, not exceeding the prescribed amount, as the local authority may determine.
- (2) The amount prescribed under subsection (1) above may be prescribed by reference to any period of twenty-four hours.
- (3) The amount of any allowance determined by a local authority under subsection (1) above may vary according to the time of day and the duration of the duty, but shall be the same for all members of the authority entitled to the allowance in respect of a duty of any description at the same time of day and of the same duration.
- (4) Any member of a body to which this section applies who is not entitled under subsection (1) above to receive attendance allowance for the performance of an approved duty shall be entitled to receive a payment by way of financial loss allowance that is to say, a payment not exceeding the prescribed amount in respect of any loss of earnings necessarily suffered, or any additional expenses (other than expenses on account of travelling or subsistence) necessarily suffered or incurred by him for the purpose of enabling him to perform that duty.

46 Travelling allowance and subsistence allowance

- (1) Subject to subsection (2) below a member of a body to which this section applies shall be entitled to receive payments by way of travelling allowance or subsistence

allowance where expenditure on travelling (whether inside or outside the United Kingdom) or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any approved duty as a member of that body, being payments at rates determined by that body, but not exceeding, in the case of travel for the purpose of an approved duty within the United Kingdom, such rates as may be specified by the Secretary of State.

- (2) A member of a body shall not be entitled to a payment under this section by way of subsistence allowance in respect of the performance of an approved duty except in respect of a duty performed at a distance of more than three miles from his usual place of residence.

47 Allowances for attending conferences and meetings

- (1) The following bodies, that is to say—
- (a) any local authority ;
 - (b) any other body to which this section applies and which has power by virtue of any enactment to send representatives to any conference or meeting to which this section applies;

may pay any member of the authority or other body attending any such conference or meeting such allowances in the nature of those payable under sections 45 and 46 of this Act as they think fit, being payments of such reasonable amounts as they may determine in any particular case or class of case and not exceeding the amounts prescribed under section 45 of this Act and, except in the case of a conference or meeting held outside the United Kingdom, specified under section 46 of this Act for the corresponding allowances under those sections.

- (2) Where a body mentioned in subsection (1)(b) above has power under any enactment other than this Act or any instrument under such an enactment to pay expenses incurred in attending a conference or meeting to which this section applies, the amount payable under that enactment or instrument shall not exceed the amount which would be payable in respect of the attendance under that subsection.
- (3) In relation to a local authority, this section applies to a conference or meeting held inside or outside the United Kingdom and convened by any person or body (other than a person or body convening it in the course of a trade or business or a body the objects of which are wholly or partly political) 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 inhabitants of their area or any part of it.
- (4) In relation to any other body to which this section applies, other than a water development board within the meaning of the Water (Scotland) Act 1967, this section applies to a conference or meeting convened by one or more such bodies or by an association of such bodies.
- (5) In relation to any water development board as aforesaid, this section applies to a conference or meeting held inside or outside the United Kingdom and convened by any other person or body (other than a person or body convening it in the course of a trade or business or a body the objects of which are wholly or partly political) for the purpose of discussing matters which in the opinion of the board relate to their functions.

48 Payment of expenses of official and courtesy visits, etc.

- (1) Subject to subsection (2) below, a local authority may—
 - (a) defray any travelling or other expenses reasonably incurred by or on behalf of any members in making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the authority;
 - (b) defray any expenses incurred in the reception and entertainment by way of official courtesy of distinguished persons visiting the area of the authority and persons representative of or connected with local government or other public services whether inside or outside the United Kingdom and in the supply of information to any such persons.
- (2) In the case of a visit within the United Kingdom, the amount defrayed under this section by a local authority in respect of the expenses of any member of the authority in making a visit within the United Kingdom shall not exceed the payments which he would have been entitled to receive by way of travelling allowance or subsistence allowance under section 46 of this Act if the making of the visit had been an approved duty of that member.

49 Provisions supplementary to sections 45 to 48

- (1) Sections 45 to 47 of this Act shall apply to the following bodies—
 - (a) all local authorities;
 - (b) Valuation Appeal Committees established under the Valuation and Rating (Scotland) Act 1956;
 - (c) any joint committee of two or more local authorities, whether appointed or established under this Act or any other enactment;
 - (d) any board, joint board, joint authority or other combined body, all the members of which are representatives of local authorities;
 - (e) any body prescribed for the purposes of those sections and on which any such body as is mentioned in any of the foregoing paragraphs is represented; and
 - (f) the Commission for Local Authority Accounts in Scotland.
- (2) In sections 45, 46 and 48 of this Act, the expression " approved duty ", in relation to a member of a body, means any of the following duties, that is to say—
 - (a) attendance at a meeting of the body, or of any of its committees or sub-committees;
 - (b) the doing of any other thing approved by the body, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body, or of any of its committees or sub-committees ;
 - (c) where, in pursuance of a duty imposed on or a power granted to the body by any enactment or instrument (including a Royal Charter), he has been appointed by or on the nomination of the body to be a member of some other body prescribed for the purposes of this paragraph (whether or not also prescribed for the purposes of sections 45 to 47 of this Act), the doing of anything as a member of that other body for the purpose of, or in connection with, the discharge of the functions of that other body.
- (3) For the purposes of sections 45 to 48 of this Act a member of a committee or sub-committee of a local authority or other body mentioned in subsection (1) above shall be deemed to be a member of that body.

- (4) Section 38(4) of this Act shall apply in relation to a member of any body mentioned in subsection (1) above to whom it would not otherwise apply as it applies in relation to a member of a local authority ; and no other enactment or instrument shall prevent a member of any such body from taking part in the consideration or determination of any allowance or other payment under any of the provisions of sections 45 to 48 of this Act.

50 Regulations as to allowances

- (1) The Secretary of State may make regulations as to the manner in which sections 45 to 48 of this Act are to be administered, and in particular, and without prejudice to the generality of the foregoing provision, may make regulations—
- (a) providing for the avoidance of duplication in payments under those sections, or between payments under any of those sections and any other Act, and for the determination of the body or bodies by whom any payments under those sections are to be made, and, where such payments are to be made by more than one body, for the apportionment between those bodies of the sums payable;
 - (b) specifying the forms to be used and the particulars to be provided for the purpose of claiming payments under those sections;
 - (c) providing for the publication by a body to which sections 45 to 47 of this Act apply, in the minutes of that body or otherwise, of details of such payments.
- (2) A statutory instrument containing regulations under section 45 or 49 of this Act or this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.