
 STATUTORY INSTRUMENTS

1986 No. 724

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government (Allowances) Regulations 1986

<i>Made</i> - - - -	17th April 1986
<i>Laid before Parliament</i>	22nd April 1986
<i>Coming into Operation</i>	13th May 1986

The Secretary of State for the Environment in relation to England, and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred upon them by sections 173, 177(1)(f), 177(2)(c), 177A, and 178 of the Local Government Act 1972(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Local Government (Allowances) Regulations 1986 and shall come into operation on 13th May 1986.

Interpretation

2. In these regulations “the Act” means the Local Government Act 1972.

Attendance Allowance and Financial Loss Allowance

3.— (1) The prescribed amount of attendance allowance shall be £16.70 for any period of twenty four hours beginning at 3 am.

(2) The prescribed amount of financial loss allowance shall be:—

- (a) £12.70, for any period not exceeding 4 hours;
- (b) £25.40, for any period exceeding 4 hours but not exceeding 24 hours;
- (c) for a period exceeding 24 hours, £25.40 for each period of 24 hours plus the amount specified above appropriate to the remainder of the period.

(a) 1972 c. 70; sections 173A and 177A were inserted by, and sections 173 and 178 were amended by sections 24 and 26 of the Local Government, Planning and Land Act 1980 (c. 65). Section 173A was amended by section 7 of the Miscellaneous Financial Provisions Act 1983 (c. 29). Sections 177 and 177A were amended by paragraphs 19 and 20 of Schedule 14 to the Local Government Act 1985 (c. 51).

Special Responsibility Allowance

4.— (1) The rate which a special responsibility allowance shall not exceed in any financial year beginning with the financial year ending on 31st March 1987 is:—

- (a) in the case of a principal council belonging to the description of councils in paragraph 8(e) of Schedule 1 hereto, £480; and
- (b) in any other case, one third of the total amount which that principal council may pay in that year by way of such allowances or £4,775, whichever is the less.

(2) The total amount payable by a principal council by way of special responsibility allowances in any financial year beginning with the financial year ending on 31st March 1987 shall not exceed the figure specified in Schedule 1 hereto in respect of that council or the description of councils to which it belongs.

Claims for Allowances

5. A claim for a payment of an allowance under any provision of sections 173 to 175 of the Act shall be made in the appropriate form specified in Schedule 2 hereto or in a form substantially to the like effect.

Records of Allowances Paid

6.— (1) A body shall keep a record of any payment made under sections 173 to 176 and 177A of the Act specifying:—

- (a) the name of the recipient, and
- (b) the amount and nature of the payment.

(2) Any record kept pursuant to paragraph (1)

- (a) by a local authority or the Inner London Education Authority, shall be open to inspection by any local government elector for the area of that authority, and
- (b) by a body mentioned in section 177(1)(ac) to (e) or prescribed under section 177(1)(f) shall be open to inspection by any local government elector of any local authority in whose area the body operates,

at all reasonable hours and without payment.

(3) Any person with a right to inspect under paragraph (2) above may make a copy of or an extract from that record.

Travelling Allowance

7.— (1) The amount of any travelling allowance payable under section 174 of the Act shall be reduced by the value of any ticket given to the claimant for the journey.

(2) In this regulation, “ticket” includes any voucher, warrant or similar document which can be exchanged for a ticket to travel.

Prescription of Bodies

8.— (1) The bodies specified in Part I of Schedule 3 hereto are prescribed for the purposes of section 177(1)(f) of the Act.

(2) The bodies specified in Part II of that Schedule are prescribed for the purposes of section 177(2)(c) of the Act.

Determination of body by whom payments are to be made

9.— (1) Any payment under sections 173 or 174 of the Act shall be made by the body for which the relevant approved duty was performed, except as otherwise provided by the following provisions of this regulation.

(2) Subject to paragraph (3), where a member of a body performs an approved duty for some other body to which he has been appointed a member as mentioned in section 177(2)(c) of the Act, and that other body is a body mentioned in section 177(1)(d) to (e) or is prescribed under section 177(1)(f), a payment may be made under section 173 or 174 by either of those bodies.

(3) Where an approved duty is performed by a councillor in the circumstances described in paragraph (2) above, any attendance allowance to which he may be entitled shall be paid by the local authority and not by the other body, except where all the members of that other body are representatives of local authorities.

(4) Any allowance payable to a member of an appeal committee constituted under paragraphs 2 or 3 of Schedule 2 to the Education Act 1980(a) shall be paid by the local education authority who maintain the school or schools in relation to which the committee is constituted.

Avoidance of duplication of allowances

10.— (1) Where in any one period mentioned in regulation 3 a member of a body:—

- (a) performs an approved duty or approved duties as a member of more than one body, or
- (b) performs two or more approved duties for the same body, or
- (c) is entitled to an allowance under section 173 of the Act and also to payment of a comparable allowance under any other enactment,

the provisions of this regulation shall apply to avoid the duplication of claims and payments.

(2) A member of a body who performs an approved duty or approved duties as described in paragraph (1) shall not be entitled to payments which in total exceed the maximum amount of the relevant allowance prescribed under section 173 of the Act.

(3) A body paying an allowance under section 173 of the Act to a member who performs an approved duty or approved duties as described in paragraph

(a) 1980 c. 20.

(1) may reduce the amount of that allowance by the amount of any allowance under section 173 or of any comparable allowance under any other enactment paid by any other body.

Revocation

11. The regulations mentioned in Schedule 4 to these regulations are hereby revoked.

SCHEDULE 1

Regulation 4

(Total amount available for payment under section 177A of the Act.)

Column 1 (Name or Class of Principal Council)	Column 2 (Amount)
1. The Inner London Education Authority	£19,075
2. The London Fire and Civil Defence Authority	£ 9,530
3. An outer London borough	£10,745
4. An inner London borough	£ 5,960
5. A joint authority (other than the London Fire and Civil Defence Authority), the population of whose area is estimated on 1st April in the relevant financial year to exceed 2 million	£ 4,765
6. A joint authority (other than the London Fire and Civil Defence Authority), the population of whose area is estimated on 1st April in the relevant financial year not to exceed 2 million	£ 4,180
7. A county council or a metropolitan district council, the population of whose area is estimated on 1st April in the relevant financial year—	
(a) to exceed 1 million	£17,900
(b) to exceed 500,000 but not to exceed 1 million	£16,705
(c) to exceed 250,000 but not to exceed 500,000	£11,935
(d) not to exceed 250,000	£10,745
8. A non-metropolitan district council, the population of whose area is estimated on 1st April in the relevant financial year—	
(a) to exceed 400,000	£ 5,960
(b) to exceed 200,000 but not to exceed 400,000	£ 4,775
(c) to exceed 150,000 but not to exceed 200,000	£ 3,580
(d) to exceed 100,000 but not to exceed 150,000	£ 2,390
(e) not to exceed 100,000	£ 1,190

Regulation 5

SCHEDULE 2

CLAIM FORMS

FORM OF APPLICATION FOR ATTENDANCE OR FINANCIAL LOSS ALLOWANCE

1 Date	2 Place and time of departure	3 Place and time of return	4 Description of approved duties	5 Period of time to which the claim relates	6 Amount claimed

Particulars of amounts received or claimed by way of attendance allowance or financial loss allowance from any other body—

(In the case of application for financial loss allowance only) I declare that I have actually and necessarily—

- *(a) suffered loss of earnings which I would otherwise have made
- *(b) incurred additional expense, other than expense on account of travelling and subsistence, to which I would not otherwise have been subject

for the purpose of enabling me to perform approved duties as a member of and that the amount of such loss and expense is not less than the amount claimed in column 6 above.

(In the case of application for attendance allowance only) I claim attendance allowance for the performance of approved duties as a member of

I declare that the statements above are correct. Except as shown above I have not made, and will not make, any claim under any enactment for attendance allowance or financial loss allowance in connection with the duties indicated above.

Date Signature of member

*Delete as appropriate

SCHEDULE 2 (continued)

FORM OF APPLICATION FOR TRAVELLING AND SUBSISTENCE ALLOWANCES

1	2	3	4	5	6	7	8	9	10	
Date	Place and time of departure	Place and time of return	Description of approved duties	Mode and class of travel	Fares and other authorised payments	Number of miles travelled by member's private motor vehicle, and rate per mile claimed	Toll, ferry and parking fees and garaging allowance	Travelling allowance claimed	Subsistence allowance claimed	
If rate claimed in column 7 above necessitates stating type of vehicle and cylinder capacity— (a) give these particulars: (b) state reason for claiming at that rate:							Totals			
Particulars of amounts received or claimed by way of travelling or subsistence allowance from any other authority or body—							Amounts now claimed			

I declare that—

- (a) I have necessarily incurred expenditure on travelling and subsistence for the purpose of enabling me to perform approved duties as a member of
- (b) I have actually paid the fares and made the other payments shown in column 6 and paid the fees shown in column 8 above;
- (c) The amounts claimed are strictly in accordance with the rates determined by

I declare that the statements above are correct. Except as shown above I have not made, and will not make, any claim under any enactment for travelling or subsistence expenses or allowances in connection with the duties indicated above.

Date Signature of member

Regulation 8

SCHEDULE 3

PART I

1. The Peak Park Joint Planning Board.
2. The Lake District Special Planning Board.
3. A combined police authority.
4. A joint education committee established under paragraph 3 of Part II of Schedule 1 to the Education Act 1944(a), the members of which are not all representatives of local authorities.
5. The Cheshire Brine Subsidence Compensation Board.
6. The governing body of Woolverstone Hall.
7. The governing body of Whiteacre School.
8. The governing body of the Brymore Secondary Technical School of Agriculture.
9. The Board of Governors of the Museum of London.
10. Any body of governors constituted under sections 1 or 2 of the Education (No. 2) Act 1968(b) and upon which any such body as is mentioned in section 111(1)(a) of that Act is represented.

PART II

1. The governing bodies of
 - (a) universities and university colleges, and
 - (b) colleges of universities, including in the case of a university organised on a collegiate basis, a constituent college or other society recognised by the university and, in the case of London University, any college incorporated in the university or a school of the university.
2. The Court of Governors of the National Museum of Wales.
3. The Court of Governors of the National Library of Wales.
4. The Council of Governors or Governing Body of the Royal Agriculture College.
5. The Governing Body of the Harper Adams Agricultural College incorporating the National Institute of Poultry Husbandry.
6. The Body of Governors of the Seale-Hayne Agriculture College.
7. The Council of Coleg Harlech.
8. The Committee of Morris Grange.
9. The Clifton Suspension Bridge Trust.
10. A review board appointed by a local authority for the purposes of, and in accordance with, Schedule 5 to the Housing Benefits Regulations 1982(c).

(a) 1944 c. 31.
(b) 1968 c. 37.
(c) S.I. 1982/1124.

SCHEDULE 4

Regulation 11

Regulations revoked	References
The Local Government (Allowances to Members) (Prescribed Bodies) Regulations 1967	S.I. 1967/1875 (as continued in force by Article 4 and Schedule 1 to the Local Authorities etc. (Miscellaneous Provision) Order 1974, S.I. 1974/482).
The Local Government (Allowances to Members) (Prescribed Bodies) Regulations 1968	S.I. 1968/1645
The Local Government (Allowances to Members) (Prescribed Bodies) Regulations 1969	S.I. 1969/1712
The Local Government (Allowances to Members) (Prescribed Bodies) Regulations 1970	S.I. 1970/1109
The Local Government (Allowances) Regulations 1974	S.I. 1974/447
The Local Government (Allowances to Members) (Prescribed Bodies) Regulations 1977	S.I. 1977/833
The Local Government (Allowances to Members) (Prescribed Bodies) Regulations 1979	S.I. 1979/1122
The Local Government (Allowances)(Amendment) Regulations 1981	S.I. 1981/180
The Local Government (Allowances) (Amendment) (No. 2) Regulations 1981	S.I. 1981/316
The Local Government (Allowances) (Amendment) Regulations 1982	S.I. 1982/125
The Local Government (Allowances) (Amendment) (No. 2) Regulations 1982	S.I. 1982/275
The Local Government (Allowances to Members) (Prescribed Bodies) Regulations 1983	S.I. 1983/111
The Local Government (Allowances) (Amendment) Regulations 1984	S.I. 1984/698
The Local Government (Allowances) (Amendment) Regulations 1985	S.I. 1985/426

Kenneth Baker,
Secretary of State for the Environment.

16th April 1986.

Signed by authority of the Secretary of State

Wyn Roberts,
Parliamentary Under-Secretary of State,
Welsh Office.

17th April 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations relate to the allowances and other payments payable under sections 173 to 176 and 177A of the Local Government Act 1972 (as amended) to members of local authorities and certain other bodies for the performance of approved duties. These regulations consolidate with amendments the provisions in the Local Government (Allowances) Regulations 1974 (S.I. 1974/447) and the other regulations mentioned in Schedule 4 hereto.

These regulations prescribe the maximum amount of attendance allowance, payable to members of local authorities who are councillors, which is increased from £16 to £16.70 and the new maximum amount of financial loss allowance, payable to members of local authorities and other bodies who are not entitled to attendance allowance and to councillors who opt to receive it in place of attendance allowance, which is increased from £24 to £25.40 for each 24-hour period and from £12 to £12.70 for a period of less than 4 hours.

They also specify the total amounts which a principal council may pay in any financial year by way of special responsibility allowances under section 177A of the Local Government Act 1972 and the maximum rate of any such allowance. For London borough councils, county councils and district councils, the new total amounts and the new maximum rates specified represent increases of 4.5% over those specified for the financial year ending on 31st March 1986. Limits are specified for new authorities for a full financial year for the first time. No effective comparison can be made for them with the limits specified in the Local Government (Special Responsibility Allowances) (New Authorities) Regulations 1986 (S.I. 1986/299) for the period from when they were established until 31st March 1986.

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