

---

STATUTORY INSTRUMENTS

---

**1991 No. 397**

**The Local Authorities Etc. (Allowance)  
(Scotland) Regulations 1991**

**PART III**

**LOCAL AUTHORITY SCHEMES – FINANCIAL RESTRICTIONS**

**Application of Part III and interpretation**

**12.**—(1) This Part applies in relation to schemes made by a local authority under Part II.

(2) In this Part—

“standard maximum” means an amount equal to the product of—

- (a) the amount determined in relation to the local authority by reference to the Table in Schedule 2; and
- (b) the number of persons who may at the same time be councillors of the local authority;

“relevant maximum” means, as respects a year, an amount equal to the standard maximum or, if greater, the transitional maximum;

“total estimated allowances” means the aggregate of the amounts estimated by the local authority (at the time when a payment referred to in regulation 13(b), (d) or (e) is made) to be payable by the local authority in relation to the year—

- (a) under a scheme made by the local authority under Part II; and
- (b) under a scheme made by a joint board under Part IV; and
- (c) in the nature of an attendance allowance under section 47 of the 1973 Act; and
- (d) under section 49A of the 1973 Act,

and for this purpose, any election under regulation 10 or under regulation 20 shall be disregarded;

“transitional maximum” means—

- (a) in relation to the year beginning 1st April 1991, an amount which is equal to the lesser of—
  - (i) 150% of the standard maximum; or
  - (ii) 97% of the aggregate of the amounts paid as respects the year ending 31st March 1990 to members of the local authority who were councillors by way of allowances under section 45(1) (attendance allowance), section 45A (financial loss allowance)<sup>(1)</sup> and section 49A (special responsibility allowance) of the 1973 Act or, to the extent that they were in the nature of those payable under section 45 of

---

(1) Section 45A was inserted by the Local Government and Planning (Scotland) Act 1982, Section 60(1)(b) and repealed by the Local Government and Housing Act 1989, Schedule 12, Part 11.

- that Act, under section 47 (allowances for attending conferences and meetings) of that Act;
- (b) in relation to any subsequent year, 90% of the transitional maximum ascertained for the preceding year.

### **Financial restrictions**

**13.** A scheme made by a local authority under Part II shall provide that—

- (a) any payment under the scheme in relation to a year is conditional on the aggregate in relation to that year of amounts which the local authority has paid out or is already liable to pay out—
- (i) under the scheme made by the local authority under Part II; and
  - (ii) under a scheme made by a joint board under Part IV; and
  - (iii) in the nature of an attendance allowance under section 47 of the 1973 Act; and
  - (iv) under section 49A of the 1973 Act,
- not exceeding such amount as is determined by applying the formula—

$$A + (B - C),$$

where—

A is the relevant maximum for that year;

B is an amount, if any, determined by the local authority, being an amount no greater than 5% of A; and

C is an amount equal to the amount, if any, by which the aggregate of the amounts paid by the local authority in respect of the year preceding that to which the scheme relates by way of allowances under section 18 of the 1989 Act lawfully exceeded the relevant maximum for that year in terms of the formula applicable to that year;

- (b) any payment by way of basic allowance for a year is conditional on the aggregate amount which the local authority has paid out or is already liable to pay out by way of basic allowance in relation to that year not exceeding 95% of total estimated allowances for that year;
- (c) any payment to a particular member by way of special responsibility allowance for any year under the scheme is conditional on the aggregate amount in relation to that year of—
- (i) the total amount which the local authority has paid out or is already liable to pay out to that member by way of special responsibility allowance in relation to that year under a scheme made under Part II;
  - (ii) where that member is entitled to a special responsibility allowance under a scheme made by a joint board under Part IV, the total of the amounts which each constituent council has paid out or is already liable to pay out to that member by way of special responsibility allowance in relation to that year under that scheme; and
  - (iii) where that member is entitled to an allowance under section 49A of the 1973 Act, the total amount which the local authority has paid out or is already liable to pay out to that member in relation to that year under the said section 49A, not exceeding £7,500;
- (d) any payment by way of special responsibility allowance for a year is conditional on the aggregate amount which the local authority has paid out or is already liable to pay out by way of special responsibility allowance in relation to that year—

- (i) under a scheme made by the local authority under Part II; and
  - (ii) under a scheme made by a joint board under Part IV; and
  - (iii) under section 49A of the 1973 Act,
    - not exceeding 25 per cent of total estimated allowances for that year;
- (e) any payment by way of attendance allowance for a year is conditional on—
- (i) the aggregate amount which the local authority has paid out or is already liable to pay out by way of attendance allowance in relation to that year not exceeding 70% of total estimated allowances for that year; and
  - (ii) the aggregate amount which the local authority has paid out or is already liable to pay out by way of attendance allowance and special responsibility allowance in relation to that year not exceeding 75% of total estimated allowances for that year; and
  - (iii) the aggregate amount which the local authority has paid out or is already liable to pay out by way of attendance allowance and basic allowance in relation to that year not exceeding 95% of total estimated allowances for that year.