
STATUTORY INSTRUMENTS

1991 No. 397

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

PART IV

JOINT BOARD SCHEMES FOR MEMBERS' ALLOWANCES

Application of Part IV

14. This Part applies to any joint board.

Members of joint boards to be treated as councillors

15. For the purposes of section 18 of the 1989 Act, a member of a joint board shall be treated as if he were a councillor.

Schemes for special responsibility allowances

16. A joint board may make a scheme in accordance with the provisions of these Regulations providing for the payment for each year to which the scheme relates of a special responsibility allowance to such members of the board as have such special responsibilities in relation to the board as are specified in the scheme and are within one of the following categories—

- (a) acting as chairman or vice-chairman of the board;
- (b) representing the board at meetings of, or arranged by, any other body;
- (c) such other activities in relation to the discharge of the board's functions as require an amount of time and effort equal to or greater than any of the activities mentioned in subparagraphs (a) and (b) (whether or not that activity is specified in the scheme).

Amount of special responsibility allowance

17. Any scheme made under this Part shall—

- (a) specify the amount of every special responsibility allowance, and, where different amounts apply to different responsibilities, the amount applicable to each; and
- (b) provide that, where a member does not have throughout a year any such special responsibilities as entitle him to a special responsibility allowance, his entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

Payments

18. A scheme made by a joint board under this Part shall provide—

- (a) that each constituent council shall notify the joint board before the beginning of the year to which the scheme relates of the amount, if any, which the council has allocated towards payment of special responsibility allowances for that year under the scheme;
- (b) that any special responsibility allowance payable under the scheme in relation to any year shall be paid by each constituent council in the proportion which the amount, if any, for that year which that council has notified to the joint board under paragraph (a) bears to the aggregate amount for that year which all the constituent councils have notified to the joint board in accordance with that paragraph; and
- (c) that payments of special responsibility allowances are to be made at such times as may be specified in the scheme.

Financial restrictions

19.—(1) A scheme made by a joint board under this Part shall provide that any payment by a constituent council by way of special responsibility allowance under the scheme in relation to any year is conditional on—

- (a) the aggregate amount which that constituent council and any other constituent council have paid out or are already liable to pay out by way of special responsibility allowance under the scheme in relation to that year not exceeding the total of the amounts, if any, which each constituent council has notified to the joint board in accordance with regulation 18(a);
- (b) the aggregate amount which the constituent council has paid out or is already liable to pay out in relation to that year—
 - (i) under the scheme made by the joint board under this Part; and
 - (ii) under the scheme made by the constituent council under Part II; 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 the amount ascertained for that year as mentioned in regulation 13(a) as respects that council; and
- (c) the aggregate amount which the constituent council has paid out or is already liable to pay out by way of special responsibility allowance in relation to that year—
 - (i) under the scheme made by the joint board under this Part; and
 - (ii) under the scheme made by the constituent council under Part II; and
 - (iii) under section 49A of the 1973 Act,
 - not exceeding 25 per cent of total estimated allowances for that year as mentioned in Regulation 13(d).

(2) A scheme made by a joint board under this Part shall provide that any payment made by a constituent council 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—

- (a) 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
- (b) the total amount which the 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 a scheme made under Part II; and
- (c) where that member is entitled to an allowance under section 49A of the 1973 Act, the total amount which the constituent council 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.

Elections

20. A scheme made under this Part shall provide that a member may by notice in writing given to the proper officer of the joint board elect to forgo any part of his entitlement to an allowance under the scheme.

Making, revocation and amendment of schemes

21.—(1) Subject to paragraph (2), any scheme made under this Part shall be in respect of a year or years and shall be made before the beginning of the first year to which it relates.

(2) Any scheme made under this Part may be amended at any time.

(3) Where an amendment is to be made which relates to a special responsibility allowance payable for the year in which the amendment is made, the scheme shall provide—

(a) that in relation to each of the periods—

(i) beginning with 1st April in that year and ending with the day before that on which the first amendment in that year takes effect; or

(ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) 31st March in that year,

the entitlement to such an allowance shall be to payment of such part of the amount of the allowance under the scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year; and

(b) that, where a member does not have throughout the whole of any period mentioned in sub-paragraph (a) any such special responsibilities as entitle him to a special responsibility allowance, his entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he has such special responsibilities bears to the number of days in the period.

(4) A scheme made under this Part may be revoked with effect from the beginning of a year and any subsequent year.