
STATUTORY INSTRUMENTS

1991 No. 397

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

PART VI

ADMINISTRATIVE ARRANGEMENTS

Avoidance of duplication

25. A claim for an attendance allowance under a scheme under Part II or an allowance under any provision in sections 45 to 50 of the 1973 Act shall include, or be accompanied by, a statement signed by the claimant that he has not made and will not make any other claim in respect of the matter to which his claim relates.

26. No payment shall be made to a person under any provision of sections 45 to 50 of the 1973 Act in respect of any matter as regards which a payment has been made to him pursuant to any provision of a scheme made under Part II or Part IV.

27.—(1) A person who, in a period mentioned in regulation 22—

- (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 45(4) of the 1973 Act and to a payment of a comparable allowance under any other enactment,

shall not be entitled to payments under that section which in total exceed the amount prescribed by regulation 22 for that period.

(2) A body paying an allowance under section 45(4) of the 1973 Act to a person for an approved duty as described in paragraph (1) may reduce the amount of that allowance by the amount of any other allowance under the said section 45(4) or any comparable allowance under any enactment paid by another body.

28.—(1) A member shall not be entitled to take expenditure on travelling into account for the purposes of more than one claim.

(2) A member shall not be entitled to take any period of absence from his usual place of residence into account for the purposes of more than one claim.

Claims for allowances

29.—(1) Any claim for a financial loss allowance under section 45(4) of the 1973 Act shall be made in the form set out in Schedule 3 to these Regulations or in a form substantially to the like effect.

(2) Any claim for a travelling and subsistence allowance under section 46 of the 1973 Act shall be made in the form set out in Schedule 4 to these Regulations or in a form substantially to the like effect.

(3) The forms set out in Schedules 3 and 4 shall apply, with any necessary modifications, to any claim for an allowance under section 47 or 48 of the 1973 Act.

Determination of body by whom payments are to be made

30.—(1) Subject to paragraph (2), any payment under section 45(4) or 46 of the 1973 Act shall be made by the body for which the relevant approved duty was performed.

(2) Where an approved duty, in relation to a member of a body, consists of the doing of anything as a member of some other body to which he has been appointed as described in section 49(2)(c) of the 1973 Act and that body falls within any of the paragraphs (c), (d) or (e) of section 49(1) of that Act⁽¹⁾, a payment may be made by either of those bodies.

Records of allowances

31.—(1) Every local authority and joint board shall keep a record of the payments made by it in accordance with any scheme made pursuant to these Regulations.

(2) Every authority or body to whom any of sections 45 to 49A of the 1973 Act applies shall keep a record of the payments made by it by virtue of any of those sections.

(3) A record kept pursuant to either of the preceding paragraphs shall specify in relation to each payment –

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

(4) A record kept pursuant to either of paragraphs (1) or (2) shall be available, at all reasonable times, for inspection (free of charge)—

- (a) where it is kept by a local authority, by any local government elector for the area of that authority;
- (b) where it is kept by any other body, by any local government elector for the area of any local authority in whose area the body operates.

(5) A person entitled to inspect a record under paragraph (4) may make a copy of any part of it.

(1) 1973 c. 65; subsections (b) and (f) of section 49(1) were repealed by the Local (Government) Scotland Act 1975 (c. 30), Schedule 7.