
STATUTORY INSTRUMENTS

1995 No. 701 (S.59)

LOCAL GOVERNMENT, SCOTLAND

**The Local Authorities Etc. (Allowances)
(Scotland) Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>9th March 1995</i>
<i>Laid before Parliament</i>		<i>10th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 45, 47, 49A and 235(1) of the Local Government (Scotland) Act 1973⁽¹⁾ and sections 18 and 190(1) of the Local Government and Housing Act 1989⁽²⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Local Authorities Etc. (Allowances) (Scotland) Amendment Regulations 1995, shall come into force on 1st April 1995 and shall apply only to Scotland.

(2) In these Regulations “the principal Regulations” means the Local Authorities Etc. (Allowances) (Scotland) Regulations 1991⁽³⁾.

Amendment of the principal Regulations

2. The principal Regulations shall be amended as follows:—

- (a) in paragraph (c)(iii) of regulation 13 for “£8,291” there shall be substituted “£8,523”;
- (b) in paragraph (2) of regulation 19 for “£8,291” there shall be substituted “£8,523”;
- (c) in regulation 22—
 - (i) in paragraph (a) for “£21.45” there shall be substituted “£22.30”; and

(1) 1973 c. 65; section 45 was amended by the Local Government and Planning (Scotland) Act 1982 (c. 43), section 60(1)(a) and repealed by the Local Government and Housing Act 1989 (c. 42) (“the 1989 Act”), Schedule 12, Part II, but saved for certain purposes by S.I. 1991/344; section 47 was amended by the Local Government, Planning and Land Act 1980 (c. 65) (“the 1980 Act”), section 25(5) and by the 1989 Act, Schedule 11, paragraph 34; section 49A was inserted by the 1980 Act, section 26(3) and repealed by the 1989 Act, Schedule 12, Part II, but saved in relation to members of licensing boards by S.I. 1991/344; section 235(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) 1989 c. 42; section 18 was amended by the Police and Magistrates' Courts Act 1994 (c. 29), Schedule 4, paragraph 37.

(3) S.I. 1991/397 as amended by S.I. 1992/505, 1993/644 and 1994/630.

- (ii) in each of paragraphs (b) and (c) for “£42.90” there shall be substituted “£44.60”;
- (d) in paragraph (2) of regulation 23 for “£25.20” there shall be substituted “£26.20”;
- (e) in regulation 24 for “£8,291” there shall be substituted “£8,523”; and
- (f) for Schedule 2 (determination of the standard maximum) there shall be substituted the following Schedule:—

“SCHEDULE 2

Regulation 12(2)

DETERMINATION OF THE STANDARD MAXIMUM

The Table below is the Table referred to in the definition of “standard maximum” in regulation 12(2).

TABLE

(1) Authority or description of authority	(2) Amount £
1. A regional council with a population—	6,920
(a) exceeding 1 million	
(b) exceeding 600,000 but not exceeding 1 million	6,425
(c) exceeding 250,000 but not exceeding 600,000	5,440
(d) not exceeding 250,000	4,705
2. An islands council	3,960
3. A district council with a population—	6,175
(a) exceeding 600,000	
(b) exceeding 400,000 but not exceeding 600,000	5,440
(c) exceeding 150,000 but not exceeding 400,000	4,705
(d) exceeding 100,000 but not exceeding 150,000	4,070
(e) exceeding 75,000 but not exceeding 100,000	3,405
(f) not exceeding 75,000 and with planning function	2,720
(g) not exceeding 75,000 and with no planning function	1,980”.

Revocation and savings

3.—(1) Subject to paragraph (2) below, regulation 2 of the Local Authorities Etc. (Allowances) (Scotland) Amendment Regulations 1994⁽⁴⁾ is hereby revoked.

(2) Without prejudice to section 16 of the Interpretation Act 1978⁽⁵⁾, any provision revoked by virtue of paragraph (1) above shall continue to have effect in relation to claims made for allowances or other payments in respect of duties performed before 1st April 1995.

St Andrew's House,
Edinburgh
9th March 1995

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

(4) S.I. 1994/630.
(5) 1978 c. 30.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Local Authorities Etc. (Allowances) (Scotland) Regulations 1991 (“the principal Regulations”) make provision for the payment of allowances to members of existing local authorities, joint boards and certain related bodies. They do not apply to the new unitary councils to be elected on 6th April 1995.

These Regulations increase the maximum aggregate amount of special responsibility allowance payable to any one member from £8,291 to £8,523 per annum (regulation 2(a) and (b)).

These Regulations also increase the maximum rates of payment applicable under sections 45 and 47 of the Local Government (Scotland) Act 1973 (regulation 2(c) and (d)) and increase from £8,291 to £8,523 per annum the maximum total amount which may be paid in any year in respect of allowances to members of licensing boards under section 49A of that Act (regulation 2(e)).

There is an overall ceiling on the amount of allowances payable by a local authority, which ceiling may be calculated by reference to “the standard maximum” or, if greater, “the transitional maximum”. Schedule 2 to the principal Regulations specifies amounts for computation of “the standard maximum”. These Regulations insert a replacement Schedule 2 specifying increased amounts, except in relation to islands councils (regulation 2(f)).

These Regulations also revoke, subject to a saving, those provisions in the Local Authorities Etc. (Allowances) (Scotland) Amendment Regulations 1994 which replaced maximum rates and maximum aggregated amounts in the principal Regulations since those rates and amounts are now themselves replaced in terms of these Regulations.

These Regulations have effect on and after 1st April 1995.