
WELSH STATUTORY INSTRUMENTS

2004 No. 2555

**The Local Authorities (Allowances for Members
of Fire Authorities) (Wales) Regulations 2004**

PART 4

Other Allowances

Care allowances

13.—(1) Subject to paragraph (2), a fire authority may provide for the payment to a member of an allowance (“care allowance”) in respect of such expenses of arranging for the care of children or dependants as are necessarily incurred in the carrying out of that member’s duties as a member.

(2) In making provision under paragraph (1) a fire authority shall not provide for the payment of —

- (a) a care allowance to a member who is entitled to receive a fire authority chairperson’s allowance or a fire authority vice-chairperson’s allowance of an amount which exceeds the amount from time to time specified in writing by the National Assembly for Wales;
- (b) a care allowance in respect of any child over the age of fifteen years or dependant unless the member satisfies the fire authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of that member’s duties as a member;
- (c) a care allowance to more than one member in relation to the care of the same child or dependant; or
- (d) more than one care allowance to any member who is unable to demonstrate to the reasonable satisfaction of the authority that the member has to make separate arrangements for the care of different children or dependants.

(3) For the purposes of the year beginning on the date of the coming into force of these Regulations and ending on 31 March 2005 —

- (a) the amount of care allowance payable to a chairperson shall not exceed £678;
- (b) the amount of care allowance payable to a vice-chairperson shall not exceed £529; and
- (c) the amount of care allowance payable to a member shall not exceed £185.

(4) Subject to regulation 14, the amount of care allowance payable —

- (a) for the year ending 31 March 2006 to a chairperson shall not exceed £1,344;
- (b) for the year ending 31 March 2006 to a vice-chairperson shall not exceed £1,050; and
- (c) for the year ending 31 March 2006 to a member shall not exceed £366.

(5) For the purposes of years commencing on or after 1 April 2006, the amount of care allowance payable to a chairperson, vice-chairperson or member shall (subject to regulation 14) not exceed the amount of that allowance payable to that office in the previous year.

(6) Where the term of office of a chairperson, vice-chairperson or member comprises part only of a year, the entitlement of that chairperson, vice-chairperson or member shall be to payment of such proportion of the care allowance payable to that office as the number of days on which that office is held during the year bears to the number of days in that year.

(7) Where a member is suspended or partially suspended from that member's responsibilities or duties as chairperson, vice-chairperson or member in accordance with Part III of the 2000 Act or regulations made under that Part, care allowance payable to that office in respect of the period for which that chairperson, vice-chairperson or member is suspended or partially suspended shall be withheld by the fire authority.

14.—(1) Subject to paragraph (2), a fire authority may provide in respect of the year ending 31 March 2006 and subsequent years, for an annual adjustment of care allowance.

(2) An annual adjustment of care allowance payable to a chairperson, vice-chairperson or member to be made by a fire authority shall not exceed the amount which equals the average of all (if any) annual adjustments made by its constituent authorities to care allowance⁽¹⁾ payable by those authorities in that year under the 2002 Regulations.

(3) Where an adjustment to the amount of care allowance is to be made by a fire authority, that authority may provide for the entitlement to that allowance as adjusted to apply with effect from the beginning of the year in which the adjustment is made.

(4) Where a fire authority does not provide for the entitlement to care allowance as adjusted to apply with effect from the beginning of a year as described in paragraph (3) —

- (a) the adjustment shall be effective from the date of adjustment; and
- (b) entitlement to that care allowance as adjusted shall be to payment of such proportion of that allowance as the number of days on which that allowance has effect during the year bears to the number of days in that year.

Travel and subsistence allowances

15.—(1) Subject to paragraph (2), a member shall be entitled to receive payments by way of travel allowance or subsistence allowance at rates determined for each year by the fire authority where expenditure on travel or subsistence is necessarily incurred by that member in the performance of an approved duty as a member.

(2) The rates of allowance determined for a year under paragraph (1) for travel by means of a private motor vehicle shall not exceed the rates of the equivalent allowances payable for that year to members of the National Assembly for Wales.

(3) Any claim for payment of travel and subsistence allowances under this Part (excluding claims for travel by means of a private motor vehicle) shall be accompanied by appropriate receipts proving actual expenditure and shall additionally comply with any requirement or limitation that an authority may determine.

(4) Where a member is suspended or partially suspended from that member's responsibilities or duties as a member in accordance with Part III of the 2000 Act or regulations made under that Part, travel or subsistence allowance payable to that member in respect of the period for which that member is suspended or partially suspended shall be withheld by the fire authority.

Recovery of allowances

16. A fire authority may provide that where payment of an allowance under this Part has already been made in respect of any period during which the member concerned —

(1) See regulation 10 of S.I.2002/1895 (W.196).

- (a) is suspended or partially suspended from that member's responsibilities or duties as a member, chairperson or vice-chairperson in accordance with Part III of the 2000 Act or regulations made under that Part;
- (b) ceases to be a member of the fire authority; or
- (c) is in any way not entitled to receive the allowance in respect of that period,

the fire authority may require that such part of the allowance as relates to any such period be repaid to the authority (and such repayment may include the withholding by the fire authority of a future instalment of the relevant allowance, in whole or in part, from the member).