

Draft Regulations laid before the Scottish Parliament under section 16(5) of the Local Governance (Scotland) Act 2004, for approval by resolution of the Scottish Parliament. This draft replaces the one laid on 9th February 2007 and is being issued free of charge to all known recipients of that draft.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

LOCAL GOVERNMENT

**The Local Governance (Scotland) Act 2004
(Allowances and Expenses) Regulations 2007**

Made - - - - 2007
Coming into force - - 2nd May 2007

The Scottish Ministers, in exercise of the powers conferred by sections 11 and 16 of the Local Governance (Scotland) Act 2004⁽¹⁾, and of all other powers enabling them in that behalf, after consideration of the information, advice and recommendations given to them by the Scottish Local Authorities Remuneration Committee in accordance with the requirements of section 11(4) of the Local Governance (Scotland) Act 2004, hereby make the following Regulations, a draft of which has, in accordance with section 16(5) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. These Regulations may be cited as the Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007 and shall come into force on 2nd May 2007.

Amendment of the Local Government (Scotland) Act 1973

2.—(1) The Local Government (Scotland) Act 1973⁽²⁾ is amended in accordance with this regulation.

(2) In section 47 (allowances for attending conferences and meetings)⁽³⁾—

(a) in subsection (1)—

(i) paragraph (a) is repealed;

(1) 2004 asp 9.

(2) 1973 c. 65.

(3) Section 47 was amended by the Local Government and Housing Act 1989 (“the 1989 Act”), Schedule 11, and the Local Government etc. (Scotland) Act 1994 (c. 39), Schedules 13 and 14. Section 47(3A) was added by the Local Government, Planning and Land Act 1980 (c. 65), section 25(5) and amended by section 194(1) and Schedule 11, paragraph 34 of the 1989 Act.

- (ii) in paragraph (b), for “any other body” substitute “any body”; and
- (iii) for “the authority or other body” substitute “the body”;
- (b) subsection (3) is repealed; and
- (c) in subsection (3A), for “and convened as mentioned in subsection (3) above” substitute “inside or outside the United Kingdom and convened by any person or body (other than a person or body convening it in the course of a trade or business or a body the objects of which are wholly or partly political)”.
- (3) In section 48 (payment of expenses of official and courtesy visits, etc.)–
 - (a) in subsection (1)(a), after “expenses” insert “received and”; and
 - (b) in subsection (2), for “travelling allowance or subsistence allowance under section 46 of this Act” substitute “any allowances and reimbursement of expenditure by virtue of regulations made under section 11 of the Local Governance (Scotland) Act 2004”.
- (4) In section 49 (provisions supplementary to sections 45 to 48)–
 - (a) in subsection (1), paragraph (a) is repealed.
 - (b) in subsection (3), omit “local authority or other”.

Amendment of the Local Government etc. (Scotland) Act 1994

3. Section 4(8) (allowance for payment of expenses of office of convener and depute convener) of the Local Government etc. (Scotland) Act 1994(4) is repealed.

St Andrew’s House,
Edinburgh
2007

A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in accordance with sections 11 and 16 of the Local Governance (Scotland) Act 2004 (“the 2004 Act”). They amend sections 47, 48 and 49 of the Local Government (Scotland) Act 1973, and repeal section 4(8) of the Local Government etc. (Scotland) Act 1994 (“the 1994 Act”).

Regulation 2 provides for the amendment of section 47 of the 1973 Act, which concerns allowances for attendance at conferences and meetings, to disapply it to local authorities. Section 47(3), providing for local authorities to pay allowances to members for attendance at certain conferences or meetings, is repealed.

Regulation 2 also provides for amendment of section 48 of the 1973 Act. That section enables local authorities to defray certain travelling and other expenses for official and courtesy visits on behalf of the authority, and certain expenses incurred in reception and entertainment by way of official courtesy. The amendments provide that the local authority may reimburse receipted expenses incurred by members that meet the criteria of the section. The amendment of section 48(2) provides that, for expenses in relation to official and courtesy visits within the United Kingdom, the amount defrayed by the authority shall not exceed the payments that the member would be entitled to receive if the visit had been an approved duty of the member under section 11 of the 2004 Act. This replaces the reference to travel and subsistence allowances under section 46 which no longer applies to local authority members.

Regulation 2, by amending section 49 of the 1973 Act, disapplies section 46 of the 1973 Act to members of local authorities. Such members are not entitled to travelling and subsistence allowance under that section.

Regulation 3 repeals section 4(8) of the 1994 Act, which permitted local authorities to pay an allowance to the convener or depute convener in relation to the expenses of office.