

**2010 No. 45**

**LOCAL GOVERNMENT**

**The Local Government (Allowances and Expenses) (Scotland)  
Amendment Regulations 2010**

*Made* - - - - - *11th February 2010*

*Laid before the Scottish Parliament* *12th February 2010*

*Coming into force* - - - *5th April 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 50 of the Local Government (Scotland) Act 1973(a), sections 11 and 16 of the Local Governance (Scotland) Act 2004(b) and all other powers enabling them to do so.

They have considered 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.

**Citation and commencement**

1. These Regulations may be cited as the Local Government (Allowances and Expenses) (Scotland) Amendment Regulations 2010 and come into force on 5th April 2010.

**Amendment of the Local Government (Allowances and Expenses) (Scotland) Regulations 2007**

2.—(1) The Local Government (Allowances and Expenses) (Scotland) Regulations 2007(c) are amended as follows.

(2) In regulation 2 (interpretation) after the entry for “Civic Head” insert—

““mile” in relation to boat travel means nautical mile; and”.

(3) In regulation 5(4) (mileage allowances for travel)—

(a) after sub-paragraph (a) insert—

“(aa) boat - 2 pounds per mile;”; and

(b) in sub-paragraph (d) after “passenger” where it second appears, insert—

“, for travel by car, van, motorcycle or bicycle, and an additional sum of 25 pence per mile, per passenger, for travel by boat”.

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(a) 1973 c.65. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 2004 asp 9.

(c) S.S.I. 2007/108 (“the 2007 Regulations”), amended by S.S.I. 2008/415.

- (4) After regulation 5(4) insert—
- “(5) In relation to travel by boat the mileage allowance is payable only for travel from one island to another within the same local authority area, by a member of Orkney Islands Council, Shetland Islands Council or Comhairle nan Eilean Siar carrying out any approved duties.”.
- (5) In regulation 6(4) (claim forms and records of payments) after “Schedule 4” insert “or in a form to the same effect”.
- (6) In Schedule 2 (types of expenditure and maximum rates)—
- (a) in the left-hand column of paragraph (f) after “car” insert “or van”;
- (b) after paragraph (f)—
- (i) in the left hand column insert “(fa) Costs of chartering a boat”; and
- (ii) in the right hand column insert “Receipted costs”.
- (7) In Schedule 3 (claim for allowances and expenses)—
- (a) for the claim form(a) substitute the claim form set out in Schedule 1 to these Regulations;
- (b) in the summary of claim table(b)—
- (i) after “Car” insert “and Van”; and
- (ii) insert an entry entitled “Boat Mileage Claim” between “Car Mileage Claim” and “Motorcycle Mileage Claim”; and
- (c) in the declaration(c) after “purposes.” insert—
- “• Where I am claiming mileage expenses for travel by a boat which I own, I have appropriate insurance which covers it being used for business purposes.”.
- (8) For Schedule 4 (record of claims) substitute the Schedule 4 set out in Schedule 2 to these Regulations.

*JOHN SWINNEY*  
A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
11th February 2010

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(a) The claim form is set out on the first page of Schedule 3 of the 2007 Regulations.  
(b) The summary of claim table is set out on the third page of Schedule 3 of the 2007 Regulations.  
(c) The declaration is set out on the third page of Schedule 3 of the 2007 Regulations.



## SCHEDULE 2

### “SCHEDULE 4 ANNUAL RETURN

Regulation 2(8)

Name: ..... Council: .....

Position held: ..... Annual salary: .....

| Allowances and Expenses |              |               |       |                         |   |                               |
|-------------------------|--------------|---------------|-------|-------------------------|---|-------------------------------|
| Travel <sup>(1)</sup>   |              | Subsistence   |       | Training and conference | Telephone & information technology (ICT) <sup>(1) (2)</sup> | Other allowances and expenses |
| Car and Van             | Other Travel | Accommodation | Meals |                         |   |                               |
|                         |              |               |       |                         |   |                               |

|                       |                                  |
|-----------------------|----------------------------------|
| <b>Total expenses</b> | <b>Total salary and expenses</b> |
|                       |                                  |

<sup>(1)</sup> Two columns are provided. This is to allow the Council, if it wishes, to show separately costs met directly by the Council, in addition to reimbursement of claims.  
<sup>(2)</sup> Telephone and Information Technology (ICT) Expenses: excludes capital costs where the equipment is supplied by the Council and the Council retains ownership of that equipment.

Further information is available in the document – “Councillors’ Remuneration: Remuneration, Allowances and Expenses – Guidance”, available on the Scottish Government website.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations are made in exercise of the powers conferred by section 50 of the Local Government (Scotland) Act 1973 and sections 11 and 16 of the Local Governance (Scotland) Act 2004. They amend the provisions in the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 (S.S.I. 2007/108) (“the 2007 Regulations”) and implement recommendations made by the Scottish Local Authorities Remuneration Committee in its report published in November 2009 - Annual Review of Remuneration for Local Authority Councillors, (ISBN: 978-0-7559-8192-2).

Regulation 2(3), (4) and (6) makes amendments to the 2007 Regulations to introduce a new allowance of £2 for each mile travelled by boat from one island to another, within the same local authority area, payable only for Islands Councils members carrying out approved duties or an entitlement to claim reimbursement of receipted expenditure for travel by chartered boat between islands not directly served by a public ferry service.

Regulation 2(5) introduces an option for local authorities to publish the annual records of payments to members in a format of their choice, provided it contains all the relevant information.

Regulation 2(7) introduces the necessary amendments to the standard claim form in Schedule 3, which councils are required to issue to members, in respect of their claims for expenses and allowances and to the related Notes of Guidance for Completion of the Claim Form, Summary of Claim and Declaration.

Regulation 2(8) substitutes a new Schedule 4, which outlines the minimum amount of information which local authorities are obliged to include in their Annual Return.

Further information is available in the document – “Councillors’ Remuneration: Remuneration, Allowances and Expenses – Guidance”, available on the Scottish Government website: <http://www.scotland.gov.uk/Topics/Government/local-government/16340>.

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