
 S T A T U T O R Y I N S T R U M E N T S

1982 No. 1396 (S. 162)

LOCAL GOVERNMENT, SCOTLAND

**The Local Authorities (Financial Loss Allowance for Councillors)
(Scotland) Regulations 1982**

<i>Made - - - -</i>	<i>28th September 1982</i>
<i>Laid before Parliament</i>	<i>11th October 1982</i>
<i>Coming into Operation</i>	<i>1st November 1982</i>

In exercise of the powers conferred on me by section 50, as read with section 45A, of the Local Government (Scotland) Act 1973^(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Local Authorities (Financial Loss Allowance for Councillors) (Scotland) Regulations 1982 and shall come into operation on 1st November 1982.

Interpretation

2. In these regulations, unless the context otherwise requires:—

“the Act means the Local Government (Scotland) Act 1973;

“approved duty” in relation to a member of a body, means an approved duty falling within section 49(2) of the Act;

“attendance allowance” means a payment by way of attendance allowance within the meaning of section 45(1) of the Act (which provides for payment of such an allowance, for performance of approved duties, to members of local authorities who are councillors);

“body” means a body to which sections 45 to 47 of the Act apply;

“financial loss allowance” means a payment by way of financial loss allowance within the meaning of section 45(4) of the Act (which provides for payment of such an allowance, for performance of approved duties, to any member of a body who is not entitled to attendance allowance);

“local authority” means a regional, islands or district council;

“proper officer” has the same meaning as in section 235(3) of the Act.

Entitlement to Financial Loss Allowance following election

3. Where a councillor has given notice in writing that he wishes to receive financial loss allowance to the proper officer of the local authority of which he

^(a) 1973 c. 65; section 45A was inserted and sections 45 and 49 amended by section 60 of the Local Government and Planning (Scotland) Act 1982 (c. 43).

is a member not later than the end of the period of four weeks from the date of his election as a member of the authority, he shall be entitled to receive such an allowance for the performance of any approved duty since his election, whether performed before or after the giving of the notice, instead of any payment by way of attendance allowance to which he would otherwise be entitled.

Entitlement to Financial Loss Allowance during term of office

4. Where a councillor has not given notice in writing in accordance with the provisions of regulation 3 above, he shall at any time during his term of office be entitled to give such notice to the proper officer of the local authority of which he is a member and shall be entitled to receive financial loss allowance instead of any payment by way of attendance allowance to which he would otherwise be entitled, for the performance of any approved duty carried out not earlier than the end of a period of four weeks from the date of such notification.

Cessation of entitlement to Financial Loss Allowance

5. A councillor who has given notice under regulation 3 or 4 above shall be entitled at any time during his term of office, on giving notice in writing to the proper officer of the local authority of which he is a member that he wishes to withdraw the notice previously given, to receive payments by way of attendance allowance instead of financial loss allowance for the performance of any approved duty carried out not earlier than the end of a period of four weeks from the date of such notification of intention to withdraw.

New St Andrew's House,
Edinburgh.
28th September 1982.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 45A of the Local Government (Scotland) Act 1973 inserted by the Local Government and Planning (Scotland) Act 1982 enables councillors for the first time to receive financial loss allowance for approved duties instead of attendance allowance. These regulations prescribe the arrangements for notification by councillors of their desire to change to and from one form of allowance to the other and the date from which the changes take effect.

SI 1982/1396
ISBN 0-11-027396-6



780110 273969