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STATUTORY INSTRUMENTS

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**2003 No. 1021**

**The Local Authorities (Members' Allowances) (England) Regulations 2003**

**PART 1**

**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Local Authorities (Members' Allowances) (England) Regulations 2003 and shall come into force on 1st May 2003.

(2) These Regulations apply in England only(1).

**Interpretation**

2. In these Regulations—

“the Association of London Government” means the body known by that name and established on 1st April 2000 as a joint committee by the London borough councils and the Corporation of the City of London;

“basic allowance” has the same meaning as in regulation 4 of these Regulations;

“co-optees' allowance” has the same meaning as in regulation 9 of these Regulations;

“dependants' carers' allowance” has the same meaning as in regulation 7 of these Regulations;

“independent remuneration panel” means a panel or joint panel established under regulation 20 of these Regulations;

“local government elector” means a person entitled to vote as an elector at a local government election in accordance with section 2 of the Representation of the People Act 1983(2);

“parish basic allowance” has the same meaning as in regulation 25 of these Regulations;

“parish remuneration panel” means a panel or joint panel established under regulation 27 of these Regulations;

“parish travelling and subsistence allowance” has the same meaning as in regulation 26 of these Regulations;

“political group” means a group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(3);

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(1) The Secretary of State's functions under sections 18 and 190 of the Local Government and Housing Act 1989, so far as exercisable in relation to Wales are transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Local Government and Housing Act 1989 and see section 106(3) of the Local Government Act 2000. See also section 100(7) of the Local Government Act 2000 for the power of the National Assembly for Wales to make regulations in relation to allowances. The Secretary of State's functions under the Local Government and Housing Act 1989, so far as exercisable in relation to Scotland, are now functions of the relevant Scottish minister by virtue of the Scotland Act 1998 (c. 46).

(2) 1983 c. 2; section 2 was substituted by section 1(1) of the Representation of the People Act 2000 (c. 2).

(3) S.I. 1990/1553, amended by S.I. 1991/1398.

“proper officer” shall be construed in accordance with section 270(3) of the Local Government Act 1972(4);

“recommendation” means a recommendation made by a panel in accordance with regulations 21 and 28;

“the scheme” means the scheme for the payment of allowances made in accordance with Parts 2 and 3 of these Regulations;

“special responsibility allowance” has the same meaning as in regulation 5 of these Regulations;

“travelling and subsistence allowance” has the same meaning as in regulation 8 of these Regulations;

“unitary county council” means a county council for an area for which there is no district council; and

“year” means—

- (a) the period beginning on the date of the coming into force of these Regulations and ending on 31st March 2004; and
- (b) any period of 12 months ending on 31st March in any year after 2004.

### Application of these Regulations

3.—(1) Any reference in this Part and Parts 2 and 3 of these Regulations to an authority shall, unless otherwise specified be construed as a reference to a body of one of the following descriptions—

- (a) a district council;
  - (b) a county council;
  - (c) a London borough council;
  - (d) the Council of the Isles of Scilly;
  - (e) a fire authority constituted by a combination scheme under the Fire Services Act 1947(5);
  - (f) a joint authority established by Part IV of the Local Government Act 1985(6);
  - (g) the London Fire and Emergency Planning Authority(7);
  - (h) the Broads Authority(8);
  - (i) a National Park authority(9); and
  - (j) a conservation board of an area of outstanding natural beauty(10);
- (2) For the purposes of section 18 of the Local Government and Housing Act 1989—
- (a) the bodies referred to at sub-paragraphs (h) and (j) of paragraph (1) are hereby designated as relevant authorities(11); and

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(4) 1972 c. 70.

(5) 1947 c. 41.

(6) 1985 c. 51.

(7) Established by Part VII of the Greater London Authority Act 1999 (c. 29).

(8) Established by the Norfolk and Suffolk Broads Act 1988 (c. 4).

(9) As established by the Environment Act 1995 (c. 25). Under paragraph 11 of Schedule 7 to that Act, a National Park authority is a relevant authority for the purposes of section 18 of the Local Government and Housing Act 1989.

(10) See section 86 of and Schedule 13 to the Countryside and Rights of Way Act 2000 (c. 37) for provisions as to the establishment of conservation boards.

(11) Section 18(5)(b) of the Local Government and Housing Act 1989 provides that Regulations made under section 18 may apply to a body on which any relevant authority within the meaning of that section is represented and which is designated a relevant authority.

- (b) any member of an authority listed in paragraph (l) shall be treated as if he were a councillor<sup>(12)</sup>.

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<sup>(12)</sup> Section 18(6) of the Local Government and Housing Act 1989 provides that any reference to a councillor in that section includes a reference to a member of the authority concerned who, in accordance with regulations made under that section, is to be treated as if he were a councillor.