
STATUTORY INSTRUMENTS

2004 No. 2596

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Members' Allowances)
(England) (Amendment) Regulations 2004**

<i>Made</i>	- - - -	<i>4th October 2004</i>
<i>Laid before Parliament</i>		<i>11th October 2004</i>
<i>Coming into force</i>	- -	<i>3rd November 2004</i>

The First Secretary of State, in exercise of the powers conferred upon him by sections 100 and 105(2), (3) and (4) of the Local Government Act 2000⁽¹⁾, and having carried out such consultation as is required by section 100(5) of the Local Government Act 2000, hereby makes the following Regulations:

Citation, commencement and application

- 1.—(1) These Regulations may be cited as the Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004 and shall come into force on 3rd November 2004.
- (2) These Regulations apply in England only⁽²⁾.

Amendment of the Local Authorities (Members' Allowances) (England) Regulations 2003

2. The Local Authorities (Members' Allowances) (England) Regulations 2003⁽³⁾ shall be amended in accordance with the provisions of these Regulations.

Amendment of regulation 24

3. For paragraph (b) of regulation 24 (application of this part) there shall be substituted—
- “(b) to a member is, unless otherwise specified or the context otherwise requires, a reference to a member of a parish council, whether or not elected to such office;”.

Amendment of regulation 25

4. At the end of regulation 25 (parish basic allowance) there shall be added—

(1) 2000 c. 22.
(2) See 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.
(3) S.I. 2003/1021, amended by S.I. 2003/1692.

“(10) For the purposes of this Regulation any reference to a member is a reference to an elected member of a parish council.”.

Amendment of regulation 28

5. At the end of regulation 28 (recommendations of parish remuneration panels) there shall be added—

“(3) For the purposes of this Regulation any reference to a member in relation to payments of parish basic allowance is a reference to an elected member of a parish council.”.

Reimbursement of expenses

6. Following regulation 26 (parish travelling and subsistence allowance) there shall be inserted—

“Reimbursement of expenses

26A.—(1) An authority may reimburse to a member any monies expended by that member in respect of travelling or subsistence expenses, including any expenses in respect of travel by bicycle or by any other non-motorised form of transport, incurred in connection with the performance by that member of any duty falling within one or more of the categories set out in regulation 26(1)(a) to (e) during the period beginning with 31st December 2003 and ending on 2nd November 2004.

(2) Any reference to a member in paragraph (1) of this Regulation is a reference to a member of a parish council other than an elected member.”.

Signed by authority of the First Secretary of State

4th October 2004

Keith Hill
Minister of State,
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Local Authorities (Members' Allowances) (England) Regulations 2003 (“the 2003 Regulations”) so that all members of parish councils are eligible for travelling and subsistence allowance and not just elected members.

Regulation 3 amends regulation 24 of the 2003 Regulations to provide that references to “member” in Part 5 of the 2003 Regulations shall be construed as any member of a parish council whether elected or not, unless the Regulations specifically provide otherwise. Under the provisions of the Local Government Act 1972 parish council members may be directly elected or they may be appointed or co-opted onto the council.

Regulation 4 amends regulation 25 of the 2003 Regulations (which makes provision in respect of parish basic allowance) so that references to “member” in that regulation are to be construed as references to elected members only.

Regulation 5 amends regulation 28 of the 2003 Regulations (which makes provision in respect of the recommendations of parish remuneration panels) so that certain references to “member” in that regulation (those that relate to the payment of parish basic allowances) are to be construed as references to elected members only.

Regulation 6 adds an additional Regulation to the 2003 Regulations to provide that where a non-elected member of a parish council has incurred any expenses on travelling and subsistence during the period beginning with 31st December 2003 and ending on 2nd November 2004 (being the period during which such members could not claim travelling and subsistence allowance) the parish council may reimburse that member for the monies expended.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of businesses, charities or voluntary bodies.