

Local Authorities (Members' Allowances) (England) Regulations 2003/1021

Preamble

Version 1 of 1

7 April 2003 - Present

Subjects

Local government

Made: 07 April 2003

Laid before Parliament: 07 April 2003

Coming into force: 01 May 2003

The First Secretary of State in exercise of the powers conferred on him by [sections 18 and 190\(1\) of the Local Government and Housing Act 1989](#)¹ and [sections 100 and 105\(2\), \(3\) and \(4\) of the Local Government Act 2000](#), and of all other powers enabling him in that behalf, and having carried out such consultation as is required by [section 100\(5\) of the Local Government Act 2000](#), hereby makes the following Regulations—

Notes

- 1 [Section 18](#) is amended by [paragraph 37 of Schedule 4 to the Police and Magistrates Court Act 1994 \(c.29\)](#), [paragraph 97 of Schedule 37 to the Education Act 1996 \(c.56\)](#) and [section 99 of the Local Government Act 2000 \(c.22\)](#).

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reg. 1 Citation, commencement and application

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

1.— Citation, commencement and application

- (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.

Notes

- 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 \(c.46\)](#).

Part 1 GENERAL > reg. 1 Citation, commencement and application

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reg. 2 Interpretation

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

2. Interpretation

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](#) ¹;

“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](#) ²;

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

“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.

Notes

- 1 [Section 2](#) was substituted by [section 1\(1\)](#) of the [Representation of the People Act 2000 \(c.2\)](#).
2 Amended by [S.I. 1991/1398](#).
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Part 1 GENERAL > reg. 2 Interpretation

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reg. 3 Application of these Regulations

Law In Force

Version 3 of 3

1 April 2018 - Present

Subjects

Local government

3.— Application of these Regulations

(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 and rescue authority constituted by a scheme under [section 2](#) of the [Fire and Rescue Services Act 2004](#) or a scheme to which [section 4](#) of that Act applies;

]¹

(f) a joint authority established by [Part IV](#) of the [Local Government Act 1985](#);

[...] ²

- (h) the Broads Authority³;
- (i) a National Park authority⁴; and
- (j) a conservation board of an area of outstanding natural beauty⁵;

(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 authorities⁶; and
- (b) any member of an authority listed in paragraph (1) shall be treated as if he were a councillor⁷.

Notes

- 1 Substituted by Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004/3168 [art.68\(2\)](#) (December 30, 2004)
- 2 Revoked by London Government (London Fire Commissioner and Policing) (Amendment) Regulations 2018/269 [Sch.1 para.7\(2\)](#) (April 1, 2018)
- 3 Established by the [Norfolk and Suffolk Broads Act 1988 \(c.4\)](#).
- 4 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](#).
- 5 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.
- 6 [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.
- 7 [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.

Part 1 GENERAL > reg. 3 Application of these Regulations

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reg. 4 Basic allowance

Law In Force

Version 2 of 2

18 March 2020 - Present

Subjects

Local government

4.— Basic allowance

(1) An authority shall—

(a) make a scheme in accordance with these Regulations which shall provide for the payment of an allowance in respect of each year to each member of an authority, and the amount of such an allowance shall be the same for each such member (“basic allowance”); and

(b) pay basic allowance and any other allowance permitted by these Regulations only in accordance with such a scheme.

[

(1A) But a fire and rescue authority may not make any provision in such a scheme for the payment of any allowance to a PCC member of the authority.

(1B) For the purposes of paragraph (1A)—

“fire and rescue authority” means an authority of a description in [regulation 3\(1\)\(e\)](#);

“PCC member”, in relation to a fire and rescue authority, means a police and crime commissioner who is appointed, in that capacity, as a member of that authority.

] ¹

(2) In relation to basic allowance, the scheme shall—

(a) specify the amount of entitlement by way of basic allowance in respect of any year to which it relates; and

(b) provide that where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office as member subsists bears to the number of days in that year.

(3) The scheme may specify that where a member is suspended or partially suspended ² from his responsibilities or duties as a member of an authority in accordance with [Part III](#) of the [Local Government Act 2000](#) or regulations made under that Part, the part of basic allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

Notes

- 1 Added by Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020/168 Pt 3 reg.22 (March 18, 2020)
 - 2 See section 83(7) to (10) of the Local Government Act 2000.
-

Part 2 ALLOWANCES > reg. 4 Basic allowance

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reg. 5 Special responsibility allowance

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

5.— Special responsibility allowance

(1) A scheme made under this Part may provide, in accordance with paragraph (2), for the payment for each year for which that scheme relates of an allowance (“special responsibility allowance”) to such members of the authority as have such special responsibilities in relation to the authority as are specified in the scheme and are within one or more of the following categories—

- (a) acting as leader or deputy leader of a political group within the authority;
- (b) acting as a member of an executive where the authority are operating executive arrangements within the meaning of [Part II of the Local Government Act 2000](#);
- (c) presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee;
- (d) representing the authority at meetings of, or arranged by, any other body;
- (e) acting as a member of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;
- (f) acting as the spokesman of a political group on a committee or sub-committee of the authority;
- (g) acting as a member of an adoption panel within the meaning of the [Adoption Agencies Regulations 1983](#)¹;
- (h) acting as a member of any committee or sub-committee that deals with any function arising under any enactment authorising the authority to license or control the carrying on of any activity;
- (i) carrying out such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned in sub-paragraphs (a) to (h) (whether or not that activity is specified in the scheme).

(2) Any scheme making such provision as is mentioned in paragraph (1) shall—

- (a) specify the amount of each special responsibility allowance, which need not be the same;
- (b) provide that, where—
 - (i) members of an authority are divided into at least two political groups; and
 - (ii) a majority of members of the authority belong to the same political group (“the controlling group”),

a special responsibility allowance shall be paid to at least one person who is not a member of the controlling group and has special responsibilities described in paragraph (1)(a) or (f); and

(c) provide that where a member does not have throughout the whole of a year any such special responsibilities as entitle him to a special responsibility allowance, his entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

(3) The scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with [Part III](#) of the [Local Government Act 2000](#) or regulations made under that Part, the part of special responsibility allowance payable to him in respect of the responsibility or duties from which he is suspended or partially suspended may be withheld by the authority.

Notes

[1](#) As amended by [S.I. 1997/649](#) and [2001/2237](#).

Part 2 ALLOWANCES > reg. 5 Special responsibility allowance

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reg. 6 Special responsibility allowance for members of the Association of London Government

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

6.— Special responsibility allowance for members of the Association of London Government

(1) For the purposes of [regulation 5](#)—

(a) references to an authority shall include the Association of London Government¹, which is hereby designated for the purposes of [section 18](#) of the [Local Government and Housing Act 1989](#);

(b) references to members shall, in relation to that body, be references to its members who are also members of London borough councils; and

(c) references in [regulation 5](#) to a scheme made under this Part shall, in relation to the Association of London Government, be construed as references to a scheme established by the Association of London Government for the payment of special responsibility allowance only, in accordance with [regulation 5](#) and the Association of London Government is hereby authorised to make such a scheme in accordance with these Regulations.

(2) Where the Association of London Government pays special responsibility allowance to such members—

(a) [Part 3](#) of these Regulations shall apply to that body in respect of its payments of special responsibility allowance as it applies to an authority; and

(b) [Part 4](#) of these Regulations shall apply to that body as it applies to an authority as regards an independent remuneration panel established by [regulation 20\(1\)\(c\)](#).

Notes

- ¹ See [section 18\(5\)\(b\)](#) of the [Local Government and Housing Act 1989](#) which 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.

*Part 2 ALLOWANCES > reg. 6 Special responsibility allowance
for members of the Association of London Government*

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reg. 7 Dependants' carers' allowance

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

7.— Dependants' carers' allowance

(1) A scheme may provide for the payment to members of an authority of an allowance (“dependants' carers' allowance”) in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in—

- (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of [section 270\(1\)](#) of the [Local Government Act 1972](#), or a sub-committee of such a joint committee, provided that—
 - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
- (e) the performance of any duty in pursuance of any standing order made under [section 135](#) of the [Local Government Act 1972](#) requiring a member or members to be present while tender documents are opened;
- (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of [section 342](#) of the [Education Act 1996](#) (approval of non-maintained special schools)¹; and
- (h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

(2) For the purposes of this regulation, “authority” means an authority of any description specified in [sub-paragraphs \(a\) to \(c\) of regulation 3\(1\)](#).

Notes

- 1 [Section 342](#) was substituted by [paragraph 82 of Schedule 30](#) to the [School Standards and Framework Act 1998 \(c.31\)](#).
-

Part 2 ALLOWANCES > reg. 7 Dependants' carers' allowance

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reg. 8 Travelling and subsistence allowance

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

8.— Travelling and subsistence allowance

(1) A scheme may provide for the payment to members of an authority of an allowance in respect of travelling and subsistence (“travelling and subsistence allowance”), including an allowance in respect of travel by bicycle or by any other non-motorised form of transport, undertaken in connection with or relating to such duties as are specified in the scheme and are within one or more of the following categories—

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

(b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of [section 270\(1\)](#) of the [Local Government Act 1972](#), or a sub-committee of such a joint committee provided that—

(i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or

(ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;

(c) the attendance at a meeting of any association of authorities of which the authority is a member;

(d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;

(e) the performance of any duty in pursuance of any standing order made under [section 135](#) of the [Local Government Act 1972](#) requiring a member or members to be present while tender documents are opened;

(f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

(g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of [section 342](#) (approval of non-maintained special schools) of the [Education Act 1996](#), and

(h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.

(2) A scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with [Part III](#) of the [Local Government Act 2000](#) or regulations made under that Part, any travelling and subsistence allowance payable to him in respect of the responsibilities or duties from which he is suspended or partially suspended may be withheld by the authority.

(3) For the purposes of this regulation—

- (a) a member of a committee or sub-committee of an authority is to be treated as a member of an authority; and
- (b) an authority includes, in addition to those bodies referred to in [regulation 3\(1\)](#), the following bodies–
 - (i) an authority established under [section 10](#) of the [Local Government Act 1985](#) (waste disposal authorities) ¹ ; and
 - (ii) a joint board upon which a body referred to in [regulation 3\(1\)\(a\) to \(h\)](#) is represented.

Notes

- ¹ [Section 10](#) was amended by [paragraph 26 of Schedule 15](#) to the [Environmental Protection Act 1990](#) (c.43).

Part 2 ALLOWANCES > reg. 8 Travelling and subsistence allowance

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reg. 9 Co-optees' allowance

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

9.— Co-optees' allowance

- (1) The scheme may provide for the payment of an allowance for each year to a member in respect of attendance at conferences and meetings (“co-optees' allowance”).
- (2) In relation to co-optees' allowance, the scheme shall—
 - (a) specify the amount of entitlement by way of co-optees' allowance in respect of any year to which it relates; and
 - (b) provide that where the appointment of a member begins or ends otherwise than at the beginning or end of a year, his entitlement shall be to payment of such part of the co-optees' allowance as bears to the whole the same proportion as the number of days during which his term of office as member subsists bears to the number of days in that year.
- (3) The scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with [Part III](#) of the [Local Government Act 2000](#) or regulations made under that Part, any co-optees' allowance payable to him in respect of the responsibilities or duties from which he is suspended or partially suspended may be withheld by the authority.
- (4) The amount of co-optees' allowance payable to any member who presides at a meeting of an overview and scrutiny committee, where that committee's functions under [section 21](#) of the [Local Government Act 2000](#) relate wholly or partly to any education functions which are the responsibility of the authority's executive, shall not be less than the minimum amount of any special responsibility allowance payable under that authority's scheme to a person who presides at meetings of any other other authority's committees or sub-committees.
- (5) For the purposes of paragraphs (1) to (4) of this Regulation, “*member*” means a person who is not a member of the authority but who is a member of a committee or sub-committee of an authority.

Part 2 ALLOWANCES > reg. 9 Co-optees' allowance

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reg. 10 Requirements for schemes

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

10.— Requirements for schemes

- (1) Before the beginning of each year, an authority shall make the scheme required by [regulation 4\(1\)\(a\)](#) for the payment of basic allowance for that year.
- (2) The scheme shall also make provision for the following allowances if an authority intends to make such payments in respect of the year—
 - (a) special responsibility allowance;
 - (b) dependants' carers' allowance;
 - (c) travelling and subsistence allowance; and
 - (d) co-optees' allowance.
- (3) Subject to [regulation 12](#) the scheme may be amended at any time but may only be revoked with effect from the beginning of a year.
- (4) A scheme may make provision for an annual adjustment of allowances by reference to such index as may be specified by the authority and where the only change made to a scheme in any year is that effected by such annual adjustment in accordance with such index the scheme shall be deemed not to have been amended.
- (5) Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.
- (6) Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the scheme may provide for the entitlement to such allowance as amended to apply with effect from the beginning of the year in which the amendment is made.
- (7) A scheme may provide that where payment of any allowance has already been made in respect of any period during which the member concerned is
 - (a) suspended or partially suspended from his responsibilities or duties as a member of the authority in accordance with [Part III](#) of the [Local Government Act 2000](#) or regulations made under that Part;
 - (b) ceases to be a member of the authority; or
 - (c) is in any other way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority.

(8) Where the scheme is revoked in accordance with this regulation or [regulation 12](#), an authority shall before the revocation takes effect make a further scheme for the period beginning with the date on which the revocation takes effect and ending at the end of the year in question.

(9) A scheme must make provision to ensure that where a member of an authority is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

Part 3 SCHEMES > reg. 10 Requirements for schemes

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reg. 11 Pensions

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

11.— Pensions

- (1) A scheme made by a district council, county council or a London borough council shall set out—
- (a) which members of the authority are to be entitled to pensions in accordance with a scheme made under [section 7](#) of the [Superannuation Act 1972](#)¹; and
 - (b) whether the basic allowance or the special responsibility allowance, or both, may be treated as amounts in respect of which such pensions are payable in accordance with a scheme made under [section 7](#) of the [Superannuation Act 1972](#).
- (2) In making such provision an authority may only include someone who has first been recommended by the independent remuneration panel established in respect of that authority for such entitlement under [regulation 21](#).

Notes

- ¹ See also the [Local Government Pension Scheme Regulations 1997](#) (S.I. 1997/1612), as amended by [S.I. 1997/1613](#), [1998/1238](#), [1998/2118](#), [1999/1212](#), [1999/3438](#), [2000/1005](#), [2000/1164](#), [2000/3025](#), [2001/770](#), [2001/1481](#), [2001/3401](#), [2002/206](#) and [2002/819](#).

Part 3 SCHEMES > reg. 11 Pensions

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reg. 12 Transitional provisions for revocation of allowance schemes

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

12. Transitional provisions for revocation of allowance schemes

Where an independent remuneration panel has produced a report in accordance with [regulation 21](#), a district, county or London borough council may, notwithstanding [regulation 10\(3\)](#), revoke an allowance scheme at any time once that council has begun to operate–

- (a) executive arrangements, where they are being operated in place of existing alternative arrangements;
- (b) alternative arrangements, where they are being operated in place of existing executive arrangements; or
- (c) different executive arrangements which involve an executive which takes a different form.

Part 3 SCHEMES > reg. 12 Transitional provisions for revocation of allowance schemes

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reg. 13 Elections to forgo allowances

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

13. Elections to forgo allowances

The scheme shall provide that a person may, by notice in writing given to the proper officer of the authority, elect to forgo his entitlement or any part of his entitlement to allowances.

Part 3 SCHEMES > reg. 13 Elections to forgo allowances

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reg. 14 Claims and payments

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

14.— Claims and payments

(1) The scheme shall specify a time limit from the date on which an entitlement to each of the following allowances arises during which a claim for such allowances must be made by the person to whom they are payable—

- (a) dependants' carers' allowance;
- (b) travelling and subsistence allowance; and
- (c) co-optees' allowance.

(2) Nothing in paragraph (1) shall prevent an authority from making a payment where the allowance is not claimed within the period specified in the scheme.

(3) The scheme may provide for payments of allowances to be made at such times as may be specified in it, and different times may be specified for different allowances.

Part 3 SCHEMES > reg. 14 Claims and payments

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reg. 15 Records of allowances

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

15.— Records of allowances

- (1) An authority shall keep a record of the payments made by it in accordance with a scheme.
- (2) Such a record shall—
 - (a) specify the name of the recipient of the payment and the amount and nature of each payment;
 - (b) be available, at all reasonable times, for inspection and at no charge—
 - (i) where it is kept by an authority specified in [regulation 3\(1\)\(a\) to 3\(1\)\(d\)](#), by any local government elector for the area of that authority; and
 - (ii) where it is kept by any other authority, by any local government elector of any authority specified in [regulation 3\(1\)\(a\) to 3\(1\)\(d\)](#) in whose area that other authority exercises functions; and
 - (c) be supplied in copy to any person who requests such a copy and who pays to the authority such reasonable fee as it may determine.
- (3) As soon as reasonably practicable after the end of a year to which the scheme relates, an authority shall make arrangements for the publication within the authority's area of the total sum paid by it in the year under the scheme to each recipient in respect of each of the following—
 - (a) basic allowance;
 - (b) special responsibility allowance;
 - (c) dependants' carers' allowance;
 - (d) travelling and subsistence allowance; and
 - (e) co-optees' allowance.

Part 3 SCHEMES > reg. 15 Records of allowances

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reg. 16 Publicity

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

16.— Publicity

(1) An authority shall, as soon as reasonably practicable after the making or amendment of a scheme, make arrangements for its publication by—

(a) ensuring that copies of the scheme are available for inspection by members of the public at the principal office of the authority, at all reasonable hours; and

(b) publishing in one or more newspapers circulating in its area, a notice which—

(i) states that the authority has made or amended a scheme and specifies the period of time for which the scheme has effect;

(ii) describes the main features of the scheme and specifies the amounts payable in respect of each allowance mentioned in the scheme;

(iii) describes any responsibilities or duties specified in the scheme in accordance with [regulations 5\(1\) and 8\(1\)](#) in relation to special responsibility allowance and travelling and subsistence allowance;

(iv) confirms that in making or amending the scheme, the authority complied with any duty arising under [regulation 19](#) to have regard to the recommendations of an independent remuneration panel;

(v) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in its report for that authority;

(vi) states that copies of the scheme and copies of a record kept in accordance with [regulation 15\(1\) and \(2\)](#) are available at the principal office of the authority for inspection by members of the public at such times as may be specified by the authority in the notice; and

(vii) specifies the address of the principal office of the authority at which such copies are made available.

(2) An authority shall ensure that a notice in the form required under sub-paragraph (b) is published in one or more newspapers circulating in its area as soon as possible after the expiration of twelve months after the previous publication of such a notice, irrespective of whether the scheme has been amended during that twelve month period.

(3) An authority shall supply a copy of the scheme to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

Part 3 SCHEMES > reg. 16 Publicity

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reg. 17 Transitional provisions

Law In Force

Version 2 of 2

31 July 2003 - Present

Subjects

Local government

17.— Transitional provisions

- (1) Notwithstanding [regulation 33](#), any scheme made by an authority in accordance with the [Local Authorities \(Members' Allowances\) regulations 1991](#) ¹ as amended shall continue in force up to and including [30th December] ² 2003 or until a new scheme in accordance with these Regulations is made by the authority, if sooner.
- (2) An authority shall make a scheme in accordance with these Regulations on or prior to [31st December] ³ 2003.
- (3) Where an authority first makes a scheme in accordance with these Regulations it shall revoke any previous scheme for the payment of allowances and ensure that the scheme made in accordance with these Regulations takes effect on the date that the revocation of the previous scheme takes effect.
- (4) Subject to paragraph (5), any scheme made by an authority in accordance with these Regulations between the coming into force of these Regulations and [31st December] ⁴ 2003 may make provision for any allowance payable in accordance with such a scheme to be payable as if the scheme had been in force with effect from 1st May 2003.
- (5) Any provision made in accordance with paragraph (4) shall not permit a member to receive a greater amount in total under the provisions of that scheme and any previous scheme, in respect of any duty carried out between the coming into force of these Regulations and the making of a scheme in accordance with these Regulations, than he would have received had the scheme been in effect from the 1st May 2003.

Notes

- ¹ As amended by [S.I. 1995/553](#), [S.I. 1996/469](#), [S.I. 2000/622](#), [S.I. 2000/623](#) and [S.I. 2001/1280](#).
- ² Words substituted by [Local Authorities \(Members' Allowances\) \(England\) \(Amendment\) Regulations 2003/1692 reg.3\(2\)](#) (July 31, 2003)
- ³ Words substituted by [Local Authorities \(Members' Allowances\) \(England\) \(Amendment\) Regulations 2003/1692 reg.3\(3\)](#) (July 31, 2003)
- ⁴ Words substituted by [Local Authorities \(Members' Allowances\) \(England\) \(Amendment\) Regulations 2003/1692 reg.3\(4\)](#) (July 31, 2003)

Part 3 SCHEMES > reg. 17 Transitional provisions

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reg. 18 Application of this Part

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

18. Application of this Part

Any reference in this Part to an authority, unless otherwise specified, shall be construed as a reference to a body of one of the following descriptions—

- (a) a district council;
- (b) a county council; and
- (c) a London borough council.

Part 4 INDEPENDENT REMUNERATION PANELS > reg. 18 Application of this Part

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reg. 19 Duty to have regard to recommendations

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

19.— Duty to have regard to recommendations

- (1) Before an authority referred to in [regulation 3\(1\)\(a\), \(b\), or \(c\)](#) makes or amends a scheme, the authority shall have regard to the recommendations made in relation to it by an independent remuneration panel.
- (2) Before an authority referred to in [regulation 3\(1\)\(e\), \(f\), \(g\), \(h\), \(i\) or \(j\)](#) makes or amends a scheme that authority shall have regard to the recommendations made by any independent remuneration panels in relation to any authority of a description referred to in [regulations 3\(1\)\(a\), \(b\) or \(c\)](#) by which any of its members are nominated.

Part 4 INDEPENDENT REMUNERATION PANELS > reg. 19 Duty to have regard to recommendations

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reg. 20 Independent remuneration panels

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

20.— Independent remuneration panels

- (1) An independent remuneration panel shall be established in respect of each authority by one of the following means—
- (a) by an authority in which case that panel shall exercise the functions specified in [regulation 21](#) in respect of that authority;
 - (b) jointly by any authorities in which case that panel shall exercise the functions specified in [regulation 21](#) in respect of the authorities which established it; or
 - (c) by the Association of London Government in which case that panel shall exercise the functions specified in [regulation 21](#) in respect of any London borough councils,
- but there shall not be more than one panel which makes recommendations in respect of an authority.
- (2) An independent remuneration panel shall consist of at least three members none of whom—
- (a) is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority; or
 - (b) is disqualified¹ from being or becoming a member of an authority.
- (3) An authority may pay the expenses incurred by an independent remuneration panel established under paragraph (1)(a) or (1)(b) in carrying out its functions and may pay the members of the panel such allowances or expenses as the authority or authorities for which it makes recommendations may determine.
- (4) The Association of London Government may pay the expenses incurred by an independent remuneration panel established under paragraph (1)(c) in carrying out its functions and may pay the members of the panel such allowances or expenses as it may determine.

Notes

¹ See [section 80](#) of the [Local Government Act 1972 \(c.70\)](#) and [section 79](#) and [83\(11\)](#) of the [Local Government Act 2000](#).

Part 4 INDEPENDENT REMUNERATION PANELS > reg. 20 Independent remuneration panels

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reg. 21 Recommendations of panels

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

21.— Recommendations of panels

(1) An independent remuneration panel shall produce a report in relation to the authority or authorities in respect of which it was established, making recommendations—

(a) as to the responsibilities or duties in respect of which the following should be available—

(i) special responsibility allowance;

(ii) travelling and subsistence allowance; and

(iii) co-optees' allowance;

(b) as to the amount of such allowances and as to the amount of basic allowance;

(c) as to whether dependants' carers' allowance should be payable to members of an authority, and as to the amount of such an allowance;

(d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with [regulation 10\(6\)](#);

(e) as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;

(f) as to which members of an authority are to be entitled to pensions in accordance with a scheme made under [section 7](#) of the [Superannuation Act 1972](#); and

(g) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under [section 7](#) of the [Superannuation Act 1972](#).

(2) A copy of a report made under paragraph (1) shall be sent to each authority in respect of which recommendations have been made.

(3) An independent remuneration panel may make different recommendations in relation to each of the authorities for which it exercises functions.

Part 4 INDEPENDENT REMUNERATION PANELS > reg. 21 Recommendations of panels

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reg. 22 Publicity for recommendations of panels

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

22.— Publicity for recommendations of panels

- (1) Once an authority receives a copy of a report made to it by an independent remuneration panel in accordance with [regulation 21](#), it shall, as soon as reasonably practicable—
- (a) ensure that copies of that report are available for inspection by members of the public at the principal office of the authority, at all reasonable hours; and
 - (b) publish in one or more newspapers circulating in its area, a notice which—
 - (i) states that it has received recommendations from an independent remuneration panel in respect of its scheme;
 - (ii) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report in respect of that authority;
 - (iii) states that copies of the panel's report are available at the principal office of the authority for inspection by members of the public at such times as may be specified by the authority in the notice; and
 - (iv) specifies the address of the principal office of the authority at which such copies are made available.
- (2) An authority shall supply a copy of a report made by an independent remuneration panel in accordance with [regulation 21](#) to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

Part 4 INDEPENDENT REMUNERATION PANELS > reg. 22 Publicity for recommendations of panels

Contains public sector information licensed under the Open Government Licence v3.0.

reg. 23 Transitional provisions for independent remuneration panels

Law In Force

Version 2 of 2

31 July 2003 - Present

Subjects

Local government

23. Transitional provisions for independent remuneration panels

Notwithstanding [regulation 33\(1\)\(f\)](#), any independent remuneration panel established under the [Local Authorities \(Members' Allowances\) \(England\) Regulations 2001](#) shall continue in being and shall constitute an independent remuneration panel for the purposes of these Regulations as if it had been established under [regulation 20](#) , although where the composition of such a panel does not comply with these Regulations, the authority or authorities or other body by which it is established must ensure that the panel does so comply [on or before 30th November 2003] ¹ .

Notes

1 Words substituted by Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003/1692 [reg.4\(2\)](#) (July 31, 2003)

*Part 4 INDEPENDENT REMUNERATION PANELS > reg. 23
Transitional provisions for independent remuneration panels*

Contains public sector information licensed under the Open Government Licence v3.0.

reg. 24 Application of this Part

Law In Force

Version 2 of 2

3 November 2004 - Present

Subjects

Local government

24. Application of this Part

Any reference in this Part–

- (a) to an authority is, unless otherwise specified, a reference to a parish council;
- [
- (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;
-] ¹
- (c) to a responsible authority is, in relation to a parish council, a reference to the district council or unitary county council–
 - (i) where the parish council is the council for one parish, in whose area the parish council is situated; or
 - (ii) where the parish council is the council for a group of parishes ², in whose area all the parishes in the group are situated or, where that is not the case, in whose area the greatest number of local government electors for the parishes in the group is situated; and
- (d) to an establishing authority is, in relation to a parish remuneration panel, a reference to the responsible authority that established that parish remuneration panel.

Notes

- ¹ Substituted by Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004/2596 [reg.3](#) (November 3, 2004)
- ² See [section 11](#) of the [Local Government Act 1972](#) for the procedure by which parish councils may be grouped.

Part 5 PARISH COUNCILS > reg. 24 Application of this Part

Contains public sector information licensed under the Open Government Licence v3.0.

reg. 25 Parish basic allowance

Law In Force

Version 3 of 3

3 November 2004 - Present

Subjects

Local government

25.— Parish basic allowance

(1) An authority may pay an allowance for each year (“parish basic allowance”)—

- (a) to its chairman¹ only; or
- (b) to each of its members,

and the amount of that allowance payable to its chairman may differ from that payable to each other member of the authority, but otherwise that amount shall be the same for each such member.

(2) Where an authority proposes to pay parish basic allowance, whether to its chairman only or to each of its members, it must have regard, in setting the level or levels of such allowances, to the recommendations which have been made in respect of it by a parish remuneration panel in accordance with [regulation 28](#).

(3) Subject to paragraph (4), where an authority proposes to pay parish basic allowance in any year to its members and the term of office of any member begins or ends otherwise than at the beginning or end of a year, that member's entitlement shall be to payment of such part of the parish basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

(4) Where an authority proposes to pay parish basic allowance in any year—

- (a) to its chairman only; or
- (b) to all its members but at a higher level to the chairman,

and the term of office of the chairman as chairman begins or ends otherwise than at the beginning or end of a year, his entitlement for the period during which he holds the office of chairman shall be to payment of such part of the parish basic allowance to which he is entitled as chairman as bears to the whole the same proportion as the number of days during which his term of office as chairman subsists bears to the number of days in that year.

(5) Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with [Part III](#) of the [Local Government Act 2000](#) or regulations made under that Part, the part of the parish basic allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

(6) An authority shall, as soon as reasonably practical after setting the levels at which any parish basic allowance is to be paid and to whom, arrange for the publication in a conspicuous place or places in the area of the authority, for a period of at least 14 days, of a notice or notices containing the following information—

- (a) any recommendation in respect of parish basic allowance made by the parish remuneration panel;
- (b) the level or levels at which the authority has decided to pay parish basic allowance and to which members it is to be paid; and

(c) a statement that in reaching the decision on the matters referred to in sub-paragraph (b) the authority has had regard to the recommendation of the parish remuneration panel.

(7) An authority shall ensure that it keeps a copy of the information referred to in paragraph (6) available for inspection by members of the public on reasonable notice.

(8) An authority may require that where payment of parish basic allowance has already been made in respect of any period during which the member concerned is—

(a) suspended or partially suspended from his responsibilities or duties as a member of the authority in accordance with [Part III](#) of the [Local Government Act 2000](#) or regulations made under that Part;

(b) ceases to be a member of the authority; or

(c) is in any other way not entitled to receive the allowance in respect of that period,

such part of the allowance as relates to any such period shall be repaid to the authority.

(9) An authority may not make any payment, and a member is not entitled to receive any payment, under the provisions of this regulation in respect of any period prior to [31st December]² 2003 if payment is made, in respect of any duties carried out by the member during that same period, under any of the provisions referred to in [regulation 34\(1\)](#).

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

] ³

Notes

- 1 See [section 15\(1\)](#) of the [Local Government Act 1972](#) for the duty to elect a chairman from among the councillors of a parish council.
- 2 Words substituted by Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003/1692 [reg.5\(2\)](#) (July 31, 2003)
- 3 Added by Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004/2596 [reg.4](#) (November 3, 2004)

Part 5 PARISH COUNCILS > reg. 25 Parish basic allowance

Contains public sector information licensed under the Open Government Licence v3.0.

reg. 26 Parish travelling and subsistence allowance

Law In Force

Version 2 of 2

31 July 2003 - Present

Subjects

Local government

26.— Parish travelling and subsistence allowance

(1) An authority may pay to its members allowances in respect of travelling and subsistence (“parish travelling and subsistence allowance”), including an allowance in respect of travel by bicycle or by any other non-motorised form of transport, undertaken or incurred in connection with the performance of any duty within one or more of the following categories—

- (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) the attendance at a meeting of any association of authorities of which the authority is a member;
- (c) the performance of any duty in pursuance of any standing order made under [section 135](#) of the [Local Government Act 1972](#) requiring a member or members to be present while tender documents are opened;
- (d) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; and
- (e) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.

(2) Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with [Part III](#) of the [Local Government Act 2000](#) or regulations made under that Part, any parish travelling and subsistence allowance payable to him in respect of the responsibilities or duties from which he is suspended or partially suspended may be withheld by the authority.

(3) An authority may require that where payment of travelling and subsistence allowance has already been made in respect of any period during which the member concerned is—

- (a) suspended or partially suspended from his responsibilities or duties as a member of the authority in accordance with [Part III](#) of the [Local Government Act 2000](#) or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period,

such part of the allowance as relates to any such period shall be repaid to the authority.

(4) An authority may not make any payment, and a member is not entitled to receive any payment, under the provisions of this regulation in respect of any period prior to [31st December] ¹ 2003 if payment is made, in respect of any travelling and subsistence expenses incurred by the member during that same period, under any of the provisions referred to in [regulation 34\(1\)](#).

Notes

- 1 Words substituted by Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003/1692 [reg.6\(2\)](#) (July 31, 2003)
-

Part 5 PARISH COUNCILS > reg. 26 Parish travelling and subsistence allowance

Contains public sector information licensed under the Open Government Licence v3.0.

reg. 26A Reimbursement of expenses

Law In Force

Version 1 of 1

3 November 2004 - Present

Subjects

Local government

[

26A.— Reimbursement of expenses

(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.

] ¹

Notes

- ¹ Added by Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004/2596 [reg. 6](#) (November 3, 2004)

Part 5 PARISH COUNCILS > reg. 26A Reimbursement of expenses

Contains public sector information licensed under the Open Government Licence v3.0.

reg. 27 Parish remuneration panels

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

27.— Parish remuneration panels

- (1) A parish remuneration panel may be established—
- (a) by a responsible authority and shall make recommendations in respect of the authorities for which the establishing authority is the responsible authority; or
 - (b) jointly by any responsible authorities and shall make recommendations in respect of the authorities for which the establishing authorities are the responsible authorities.
- (2) Subject to paragraph (3), a parish remuneration panel shall consist of those persons who are also members of the independent remuneration panel which exercises functions in respect of the establishing authority or authorities.
- (3) A parish remuneration panel shall not include any member who is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority.
- (4) The authorities in respect of which a parish remuneration panel established under paragraph (1) makes recommendations shall each pay to the parish remuneration panel an equal share of the amount of the expenses incurred by that panel in carrying out that panel's functions.

Part 5 PARISH COUNCILS > reg. 27 Parish remuneration panels

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reg. 28 Recommendations of parish remuneration panels

Law In Force

Version 2 of 2

3 November 2004 - Present

Subjects

Local government

28.— Recommendations of parish remuneration panels

(1) A parish remuneration panel shall produce a report in relation to the members of the authorities in respect of which it was established, making recommendations, in accordance with the provisions of [regulation 29](#), as to—

- (a) the amount of parish basic allowance payable to members of such authorities;
- (b) the amount of travelling and subsistence allowance payable to members of such authorities;
- (c) whether parish basic allowance should be payable only to the chairman of any such authority or to all of its members;
- (d) whether, if parish basic allowance should be payable to both the chairman and the other members of any such authority, the allowance payable to the chairman should be set at a level higher than that payable to the other members and, if so, the higher amount so payable; and
- (e) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.

(2) A copy of a report made under paragraph (1) shall be sent to each authority in respect of which recommendations have been made.

[

(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.

] ¹

Notes

- ¹ Added by Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004/2596 [reg.5](#) (November 3, 2004)

Part 5 PARISH COUNCILS > reg. 28 Recommendations of parish remuneration panels

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reg. 29 Levels of allowances

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

29.— Levels of allowances

- (1) A parish remuneration panel may, in making its recommendations in accordance with [regulations 27 and 28](#), either—
 - (a) apply the same recommended levels of parish basic allowance and parish travelling and subsistence allowance to all the authorities in respect of which it was established; or
 - (b) make different recommendations for different authorities.
- (2) A parish remuneration panel shall express its recommendation as to the level of parish basic allowance, in respect of a parish or parishes, as a percentage of the sum that an independent remuneration panel has recommended as the level of basic allowance for the establishing authority which is the responsible authority for that parish or parishes.
- (3) The percentage referred to in paragraph (2) may be one hundred per cent.
- (4) A parish remuneration panel shall also express its recommendation as to the level of parish basic allowance as a monetary sum being a monetary sum equivalent to the percentage expressed in accordance with paragraphs (2) and (3).

Part 5 PARISH COUNCILS > reg. 29 Levels of allowances

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reg. 30 Publicity in respect of reports of parish remuneration panels

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

30.— Publicity in respect of reports of parish remuneration panels

- (1) Once an authority receives a copy of a report made to it by a parish remuneration panel in accordance with [regulation 28](#), it shall, as soon as reasonably practicable—
- (a) ensure that copies of that report are available for inspection by members of the public on reasonable notice; and
 - (b) arrange for the publication in a conspicuous place or places in the area of the authority, for a period of at least 14 days, of a notice which—
 - (i) states that it has received recommendations from a parish remuneration panel in respect of allowances;
 - (ii) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report in respect of that authority; and
 - (iii) states that copies of the panel's report are available for inspection on reasonable notice and gives details of the manner in which notice should be given of an intention to inspect the report.
- (2) An authority shall supply a copy of a report made by a parish remuneration panel in accordance with [regulation 28](#) to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

Part 5 PARISH COUNCILS > reg. 30 Publicity in respect of reports of parish remuneration panels

Contains public sector information licensed under the Open Government Licence v3.0.

reg. 31 Records of parish allowances

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

31.— Records of parish allowances

- (1) An authority shall keep a record of the payments made by it in respect of—
 - (a) parish basic allowance; and
 - (b) parish travelling and subsistence allowance.
- (2) Such a record shall—
 - (a) specify the name of the recipient and the amount and nature of each payment;
 - (b) be available for inspection on reasonable notice and at no charge, by any local government elector for the area of that authority; and
 - (c) be supplied in copy to any person who is entitled to inspect a record under paragraph (b) and who requests a copy and pays to the authority such reasonable fee as it may determine.
- (3) As soon as reasonably practicable after the end of a year, an authority shall arrange for the publication, for a period of at least 14 days, of a notice in a conspicuous place or places in the area of the authority stating the total sum paid by it in the year to each member in respect of each of the following—
 - (a) parish basic allowance; and
 - (b) parish travelling and subsistence allowance.

Part 5 PARISH COUNCILS > reg. 31 Records of parish allowances

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reg. 32 Elections to forgo parish allowances

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

32. Elections to forgo parish allowances

A member may, by notice in writing given to the proper officer of the authority, elect to forgo his entitlement or any part of his entitlement to allowances.

Part 5 PARISH COUNCILS > reg. 32 Elections to forgo parish allowances

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reg. 33 Revocation

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

33.— Revocation

- (1) The following Regulations shall be revoked to the extent not already revoked—
- (a) the [Local Authorities \(Members' Allowances\) Regulations 1991](#) ¹;
 - (b) the [Local Authorities \(Members' Allowances\) \(Amendment\) Regulations 1995](#);
 - (c) the [Local Authorities \(Members' Allowances\) \(Amendment\) Regulations 1996](#);
 - (d) the [Local Authorities \(Members' Allowances\) \(Amendment\) \(England\) Regulations 2000](#);
 - (e) the [Local Authorities \(Members' Allowances\) \(Amendment\) \(England\) \(No. 2\) Regulations 2000](#); and
 - (f) the [Local Authorities \(Members' Allowances\) \(England\) Regulations 2001](#).
- (2) [Paragraph 4 of the Schedule to the Greater London Authority Act 1999 \(Consequential Amendments of Subordinate Legislation\) \(Fire etc. Authority\) Order 2000](#) ² shall be revoked.

Notes

¹ As amended by [S.I. 1995/553](#), [S.I. 1996/469](#), [S.I. 2000/622](#), [S.I. 2000/623](#) and [S.I. 2001/1280](#).

² Which amended [regulation 5](#) of [S.I. 1991/351](#).

Part 6 TRANSITIONAL PROVISIONS, REVOCATION AND DISAPPLICATIONS > reg. 33 Revocation

Contains public sector information licensed under the Open Government Licence v3.0.

reg. 34 Disapplication

Law In Force

Version 5 of 5

1 April 2018 - Present

Subjects

Local government

34.— Disapplication

(1) Subject to paragraphs (2) and (3), the following shall be disapplied as respects authorities—

- (a) [sections 173 to 175](#) of the [Local Government Act 1972](#)¹;
- (b) [section 176\(1\)\(a\)](#) and [\(2\)](#) of that Act; and
- (c) [section 18\(2\)\(b\)](#) of the [Local Government and Housing Act 1989](#)²,

for all purposes other than—

- (i) the payment of any allowance payable to members of an admissions appeal panel constituted in accordance with regulations made by the Secretary of State under the provisions of the [School Standards and Framework Act 1998](#)³; and
- (ii) the payment of any allowance payable to members of an exclusions [review]⁴ panel constituted in accordance with regulations made by the Secretary of State under the provisions of the [Education Act 2002](#)⁵.

(2) As respects parish councils the provisions referred to in paragraph (1) shall be disapplied with effect from [31st December]⁶ 2003.

(3) As respects any other authority the provisions referred to in paragraph (1) shall be disapplied with effect from the date upon which such authority makes a scheme in accordance with [Parts 2 and 3](#) of these Regulations.

(4) In this regulation, the reference to “*authorities*” is a reference to the following bodies—

- (a) a district council;
- (b) a county council;
- (c) a London borough council;
- (d) the Council of the Isles of Scilly;

[

- (e) a fire and rescue authority constituted by a scheme under [section 2](#) of the [Fire and Rescue Services Act 2004](#) or a scheme to which [section 4](#) of that Act applies;

]⁷

- (f) a joint authority established by [Part IV](#) of the [Local Government Act 1985](#);

[...]⁸

- (h) the Broads Authority⁹;
- (i) a National Park authority¹⁰;
- (j) a conservation board of an area of outstanding natural beauty¹¹; and
- (k) a parish council.

Notes

- 1 Section 173 is amended by section 24(1) of the Local Government, Planning and Land Act 1980 (c.65) and by section 194 of and Schedule 11 to the Local Government and Housing Act 1989 (c.42); section 173A was inserted by section 24 of the Local Government, Planning and Land Act 1980 (c.65) and is amended by section 7 of the Miscellaneous Financial Provisions Act 1983 (c.29) and by section 194 of and Schedule 11 to the Local Government and Housing Act 1989 (c.42); section 174 is amended by section 25 of the Local Government, Planning and Land Act 1980 (c.65); section 175 is amended by section 25 of the Local Government, Planning and Land Act 1980 (c.65), section 11 of and Schedule 5 to the Water Act 1983 (c.23), section 194 of and Schedule 11 to the Local Government and Housing Act 1989 (c.42) and section 328 of and Schedule 29 to the Greater London Authority Act 1999 (c.29).
- 2 To which there are amendments not relevant to this provision.
- 3 The Education (Admissions Appeals Arrangements) (England) Regulations 2002 (S.I. 2002/2899) have been made under the provisions of section 94 of the School Standards and Framework Act 1998.
- 4 Word substituted by School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012/1033 Sch.2 para.2 (September 1, 2012)
- 5 The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (S.I. 2002/3178) and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002 (S.I. 2002/3179) have been made under the provisions of section 52 of the Education Act 2002.
- 6 Words substituted by Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003/1692 reg.7(2) (July 31, 2003)
- 7 Substituted by Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004/3168 art.68(3) (December 30, 2004)
- 8 Revoked by London Government (London Fire Commissioner and Policing) (Amendment) Regulations 2018/269 Sch.1 para.7(3) (April 1, 2018)
- 9 Established by the Norfolk and Suffolk Broads Act 1988 (c.4).
- 10 Established by the Environment Act 1995 (c.25).
- 11 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.

Part 6 TRANSITIONAL PROVISIONS, REVOCATION AND DISAPPLICATIONS > reg. 34 Disapplication

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Signatures

Law In Force

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

Signed by authority of the First Secretary of State

Nick Raynsford

Minister of State, Office of the Deputy Prime Minister

7th April 2003

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para. 1

Version 1 of 1

1 May 2003 - Present

Subjects

Local government

These Regulations make provisions about the payment of allowances to members of local authorities and certain related bodies.

[Part 1](#) makes provision about the application of certain provisions of the Regulations and provides that certain bodies are to be considered as relevant bodies for the purposes of [section 18](#) of the [Local Government and Housing Act 1989](#).

[Part 2](#) requires certain authorities to prepare schemes for the payment of allowances to their members. Authorities making schemes are required to make provision for the payment of basic allowance ([regulation 4](#)) and may also provide for the payment of special responsibility allowance ([regulation 5](#)), dependants' carers' allowance ([regulation 7](#)) travelling and subsistence allowance ([regulation 8](#)) and co-optees' allowance ([regulation 9](#)).

[Part 3](#) makes provision in respect of the requirements and administration of such schemes. It also makes provision in respect of the records that must be kept of payments and in respect of the publicity that must be given to the features of a scheme and to the payments made thereunder. This Part also make provision concerning members' entitlement to pensions in accordance with a scheme made under [section 7](#) of the [Superannuation Act 1972](#) and concerning which allowances may be treated as amounts in respect of which pensions are payable.

[Part 4](#) makes provision in respect of the establishment of independent remuneration panels whose function is to make recommendations concerning allowances.

[Part 5](#) makes provision in respect of payment of allowances to members of parish councils. Parish councils may pay parish basic allowance ([regulation 25](#)) and parish travelling and subsistence allowance ([regulation 26](#)) to their members. In setting the levels of such allowances parishes must have regard to the recommendations of parish remuneration panels. This Part also makes provision in respect of the publicity that must be given to such recommendations. It also makes provision in respect of the records that must be kept of payments made and in respect of the publicity that must be given to such payments.

[Part 6](#) revokes existing regulations relating to members' allowances and disapplies certain statutory provisions relating to allowances.

Explanatory Note > para. 1

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