STATUTORY INSTRUMENTS

1974 No. 447

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government (Allowances) Regulations 1974

Made - - - -	12*th March* 1974
Laid before Parliament	18*th March* 1974
Coming into Operation	1*st April* 1974

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred upon them by sections 173, 177(1)(*f*) and 178 of the Local Government Act 1972**(a)**, and of all other powers enabling them in that behalf, hereby make the following regulations in relation, respectively, to England and to Wales:—

Title and commencement

1. These regulations may be cited as the Local Government (Allowances) Regulations 1974 and shall come into operation on 1st April 1974.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Local Government Act 1972;

"approved duty", in relation to a member of a body, means an approved duty falling within section 177(2) of the Act;

"body" means a body to which sections 173 to 175 of the Act apply;

"attendance allowance" means a payment by way of attendance allowance within the meaning of section 173(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);

"financial loss allowance" means a payment by way of financial loss allowance within the meaning of section 173(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);

"travelling allowance" and "subsistence allowance" mean payments by way of travelling allowance and subsistence allowance, respectively, within the meaning of section 174(1) of the Act (which provides for the payment of such allowances to members of bodies at rates not exceeding those specified by the Secretary of State);

"Wales" means the area consisting of the counties established by section 20 of the Act (new local government areas in Wales), and England does not include any area included in any of those counties.

(2) The Interpretation Act 1889**(b)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1972 c. 70. **(b)** 1889 c. 63.

Attendance allowance and financial loss allowance

3.—(1) The prescribed amount of attendance allowance shall be £10; and that amount shall be payable by reference to the period of twenty-four hours beginning at 3 a.m.

(2) The prescribed amount of financial loss allowance shall be—

(*a*) if the period of entitlement does not exceed 4 hours, £2.75;

(*b*) if the period exceeds 4 hours but does not exceed 24 hours, £5.50;

(*c*) if the period exceeds 24 hours, £5.50 for each complete 24 hours plus the rate appropriate to the remainder of the period.

Claims for allowances

4. A member of a body who desires to claim any payment under sections 173 to 175 of the Act shall claim in the appropriate form set out in the schedule to these regulations, or a form substantially to the like effect.

Records of allowances paid

5.—(1) Every body shall keep records of all payments to members made by it under sections 173 to 175 of the Act, indicating the amounts paid to each member and the heads under which they were paid.

(2) Section 228(1), (6) and (7) of the Act (inspection of documents) shall apply to the records required by paragraph (1) above as it applies to the minutes of proceedings of a local authority and as if references to a local government elector for the area of the authority were references to a local government elector resident in the area of the body.

Issue of tickets and vouchers for travelling

6.—(1) Every body shall, so far as it considers it practicable, make arrangements for the issue to its members of tickets, or of vouchers, warrants or similar documents which can be exchanged for tickets, to cover journeys in respect of which travelling allowances would otherwise fall to be made.

(2) The issue to a member of a ticket or other document shall be treated for the purposes of these regulations as constituting a payment of an equivalent amount, and the member's entitlement to claim shall be reduced accordingly.

Expenses of official and courtesy visits etc.

7. Where a local authority resolve to defray the expenses of a member under the powers of section 176 of the Act (which empowers local authorities to defray expenses of members in making official and courtesy visits), the provisions of regulations 4 to 6 above shall apply to those expenses as they apply to travelling allowances and subsistence allowances.

Prescription of bodies

8. The bodies listed below are hereby, pursuant to section 177(1)(*f*) of the Act, prescribed for the purposes of sections 173 to 175 of the Act (which will in consequence apply to those bodies)—

The Peak Park Joint Planning Board

The Lake District Special Planning Board.

Determination of body by whom payments are to be made

9.—(1) Subject to the provisions of paragraphs (2) and (3) below, payments under sections 173 and 174 of the Act shall be made by the body as a member of which the relevant approved duty was performed.

(2) Where an approved duty, in relation to a member of a body, consists of the doing of anything as a member of some other body to which he has been appointed as described in section 177(2)(*c*) of the Act and that body falls within any of the paragraphs (*d*), (*e*) or (*f*) of section 177(1) of the Act, payments may (except as provided by paragraph (3) below), be made by either of those bodies.

(3) Where an approved duty is performed in the circumstances described in paragraph (2) above by a member of a local authority who is a councillor or an alderman, payment of any attendance allowance to which the member may be entitled shall be made by the local authority and not by the other body concerned unless all the members of that body are representatives of local authorities.

Avoidance of duplication of allowances

10.—(1) Where in any period a person—

(*a*) performs approved duties as a member of more than one body, or

(*b*) becomes entitled both to payments under sections 173 and 174 of the Act and to comparable payments under any other Act,

the provisions of this regulation shall apply for the avoidance of duplication in claims and payments.

(2) Where a person who is entitled to attendance allowance in respect of a period of 24 hours as prescribed in regulation 3(1) above performs, within that period, another approved duty which entitles him to a further attendance allowance or to a financial loss allowance or to a comparable allowance under any other Act, he may not claim in the aggregate in respect of that period a greater amount than the amount of the attendance allowance prescribed in regulation 3(1); and in order to comply with this paragraph he may, if he thinks fit, claim from any of the bodies liable to meet any claim less than the prescribed amount of any such allowance.

(3) Where a person successively performs in any period duties in respect of each of which he is entitled to financial loss allowance, or to financial loss allowance and a comparable allowance under any other Act, he may not claim in the aggregate in respect of that period a greater amount than would have been payable had all the duties been performed by him as a member of one only of those bodies.

(4) A member shall not be entitled to take expenditure on travelling into account for the purposes of more than one claim.

(5) A member shall not be entitled to take any period of absence from his usual place of residence into account for the purposes of more than one claim.

SCHEDULE

CLAIM FORMS

FORM OF APPLICATION FOR ATTENDANCE OR FINANCIAL LOSS ALLOWANCE

1 Date	2 Place and time of departure	3 Place and time of return	4 Description of approved duties	5 Period of time to which the claim relates	6 Amount claimed

Particulars of amounts received or claimed by way of attendance allowance or financial loss allowance from any other body—

(In the case of application for financial loss allowance only) I declare that I have actually and necessarily—

*(*a*) suffered loss of earnings which I would otherwise have made

*(*b*) incurred additional expense, other than expense on account of travelling and subsistence, to which I would not otherwise have been subject

for the purpose of enabling me to perform approved duties as a member of ..... and that the amount of such loss and expense is not less than the amount claimed in column 6 above.

(In the case of application for attendance allowance only) I claim attendance allowance for the performance of approved duties as a member of.....

I declare that the statements above are correct. Except as shown above I have not made, and will not make, any claim under any enactment for attendance allowance or financial loss allowance in connection with the duties indicated above.

Date..... Signature of member.....

* Delete as appropriate

FORM OF APPLICATION FOR TRAVELLING AND SUBSISTENCE ALLOWANCES

1 Date	2 Place and time of departure	3 Place and time of return	4 Description of approved duties	5 Mode and class of travel	6 Fares and other authorised payments	7 Number of miles travelled by member's private motor vehicle, and rate per mile claimed	8 Toll, ferry and parking fees and garaging allowance	9 Travelling allowance claimed	10 Subsistence allowance claimed
If rate claimed in column 7 above necessitates stating type of vehicle and cylinder capacity— (*a*) give these particulars: (*b*) state reason for claiming at that rate:							Totals		
Particulars of amounts received or claimed by way of travelling or subsistence allowance from any other authority or body—									
							Amounts now claimed		

I declare that—

(*a*) I have necessarily incurred expenditure on travelling and subsistence for the purpose of enabling me to perform approved duties as a member of.....;

(*b*) I have actually paid the fares and made the other payments shown in column 6 and paid the fees shown in column 8 above;

(*c*) The amounts claimed are strictly in accordance with the rates determined by.....

I declare that the statements above are correct. Except as shown above I have not made, and will not make, any claim under any enactment for travelling or subsistence expenses or allowances in connection with the duties indicated above.

Signature of member

Anthony Crosland,
12th March 1974. Secretary of State for the Environment.

John Morris,
12th March 1974. Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to the allowances and other payments payable under sections 173 to 176 of the Local Government Act 1972 to members of local authorities and certain other bodies for performance of approved duties. These provisions, taken with the Regulations, supersede the provisions as to allowances contained in sections 111 to 117 of the Local Government Act 1948 (c.26), taken with the Local Government (Allowances to Members) Regulations 1972 (S.I. 1972/1566). The new provisions differ from the old in various ways which are reflected in the Regulations—notably, an attendance allowance is introduced and the maximum rates of travelling and subsistence allowances are now to be specified by the Secretary of State outside the Regulations.

In particular, the Regulations—

(1) Prescribe the maximum amount of attendance allowance as £10. This allowance is payable to a member of a local authority who is a councillor, or in certain circumstances, an alderman;

(2) Prescribe the maximum amount of financial loss allowance as £5.50 for each 24-hour period and £2.75 for a period of less than 4 hours. This allowance is payable to members of local authorities and other bodies who are not entitled to attendance allowance;

(3) Specify the claim forms to be used (which follow closely the forms now in use under the 1948 Act);

(4) Require records, open to public inspection, to be kept of allowances paid;

(5) Prescribe bodies (over and above those already specified in the Act) to whom the new allowances provisions are to apply;

(6) Determine that allowances are to be payable by the authority or body for which the approved duty was performed, save that attendance allowance is to be payable only by local authorities or other bodies all the members of which are representatives of local authorities;

(7) Provide for avoidance of duplication in payments (generally, by imposing as a ceiling the amount which would have been payable if the duties had been performed for one body only).

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