# LOCAL GOVERNMENT, ENGLAND AND WALES

## 1954 No. 397

## The Local Government (Allowances to Members) Regulations, 1954

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| *Made* - - - - | *25th March*, 1954 |
| *Laid before Parliament* | *26th March*, 1954 |
| *Coming into Operation* | *30th March*, 1954 |

The Minister of Housing and Local Government, in exercise of his powers under sections 113 and 117 of the Local Government Act, 1948(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation and commencement*

**1.** These regulations may be cited as the Local Government (Allowances to Members) Regulations, 1954, and shall come into operation on the thirtieth day of March, 1954.

*Interpretation*

**2.**—(1) The Interpretation Act, 1889(**b**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

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

" the Act of 1948 " means the Local Government Act, 1948 ;

" body " means any body to which Part VI of the Act of 1948 applies ;

" financial loss allowance " means a payment by way of financial loss allowance within the meaning of section 112 of the Act of 1948 ;

" travelling allowance " and " subsistence allowance " mean payments by way of travelling allowance and subsistence allowance, respectively, within the meaning of section 113 of the Act of 1948 ;

" public transport " means any service provided for travel by the public by railway, ship, vessel, omnibus, trolley vehicle or tramway ;

" Minister " means the Minister of Housing and Local Government.

*Maximum rates of allowances*

**3.** The rates determined by bodies for travelling and subsistence allowances shall not exceed the rates prescribed, and shall be subject to the provisions contained, in the first and second schedules to these regulations respectively.

(**a**) 11 & 12 Geo. 6. c. 26. (**b**) 52 & 53 Vict. c. 63.

*Claims for allowances*

**4.** A member of a body who desires to claim financial loss, travelling or subsistence allowance shall complete and submit to that body an application in the appropriate form set out in the third schedule to these regulations or a form substantially to the like effect.

*Issue of tickets and vouchers for travelling*

**5.** 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.

*Records of allowances paid*

**6.**—(1) Every body shall keep records of all payments to members made by it under Part VI of the Act of 1948, indicating the amounts paid to each member and the heads under which they were paid, and such records shall be open to inspection at all reasonable hours by any local government elector for the area of the body.

(2) For the purposes of this regulation expenditure incurred in the issue to a member of any ticket or other document under the preceding regulation shall be deemed a payment made to that member.

*Avoidance of duplication of allowances*

**7.**—(1) Where a person necessarily suffers or incurs any loss or expense to which section 112 of the Act of 1948 applies, or necessarily incurs expenditure on travelling or subsistence, in respect of the performance in any one period of twenty-four hours of approved duties as a member of more than one body, he shall not be entitled to receive in respect of the performance of those duties payments which will exceed in the aggregate the amount to which he would have been entitled had all the said duties been performed by him as a member of one only of those bodies.

(2) Where a person becomes entitled to receive, in respect of the performance of any duties in any one period of twenty-four hours, financial loss, travelling or subsistence allowance under the Act of 1948 and any comparable allowance under any other enactment, the amount which he shall be entitled to receive in respect of the performance of those duties under either of those enactments shall be reduced by the amount of any payment so received by him under the other of those enactments, and any claim for any such allowance shall contain particulars of any amount received or claimed from any other authority or body.

*Revocations*

**8.** The following regulations are hereby revoked:—

The Local Government (Members' Allowances) Regulations, 1948(**a**);

The Local Government (Members' Allowances) Amendment Regulations, 1949(**b**);

The Local Government (Members' Allowances) Amendment Regulations, 1952(**c**).

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(**a**) S.I. 1948/1784 (Rev. XII, p. 456: 1948 I, p. 1719). (**b**) S.I. 1949/457 (1949 I, p. 2477).
(**c**) S.I. 1952/535 (1952 II, p. 1272).

## FIRST SCHEDULE

### RATES OF TRAVELLING ALLOWANCE, AND PROVISIONS RELATING THERETO

1.—(1) The rate for travel by public transport shall not exceed the amount of the ordinary fare or any available cheap fare, and where more than one class of fare is available the rate shall be determined, in the case of travel by ship by reference to first class fares, and in any other case by reference to third class fares unless the body determines, either generally or specially, that first class fares shall be substituted.

(2) The rate specified in the preceding sub-paragraph may be increased by supplementary allowances not exceeding expenditure actually incurred—

(*a*) on Pullman Car or similar supplements, reservation of seats and deposit or porterage of luggage, and

(*b*) on sleeping accommodation engaged by the member for an overnight journey, subject, however, to reduction by one-third of any subsistence allowance payable to him for that night.

2.—(1) The rate for travel by a member's own private motor vehicle shall not exceed 2d. a mile unless such travel involves the use of a motor car or tri-car, or a motor cycle of cylinder capacity exceeding 120 c.c., and such travel—

(*a*) results in a substantial saving of the member's time,

(*b*) is in the interests of the body, or

(*c*) is otherwise reasonable,

in which case the rate shall not exceed—

(i) for the use of a solo motor cycle of cylinder capacity exceeding 120 c.c. but not exceeding 150 c.c., 2½d. a mile ;

(ii) for the use of a solo motor cycle of cylinder capacity exceeding 150 c.c. but not exceeding 500 c.c., 3d. a mile ;

(iii) for the use of a solo motor cycle of cylinder capacity exceeding 500 c.c., a motor cycle with side-car, or a motor car or tri-car of cylinder capacity of 500 c.c. or less, 4d. a mile ;

(iv) for the use of a motor car or tri-car of cylinder capacity exceeding 500 c.c. but not exceeding 10 horse-power—

for the first 2,000 miles in any mileage period, 7½d. a mile ;

for the next 5,000 miles in any mileage period, 6d. a mile ;

for any further miles, 4½d. a mile ;

(v) for the use of any other vehicle—

for the first 2,000 miles in any mileage period, 9½d. a mile ;

for the next 5,000 miles in any mileage period, 7½d. a mile ;

for any further miles, 6½d. a mile.

(2) In the case of heads (iv) and (v) of the preceding sub-paragraph any miles for which payment has been made to the member in the mileage period under head (v) or (iv), as the case may be, shall be taken into account in calculating mileage.

(3) In the preceding sub-paragraphs " mileage period " means the period from the coming into operation of these regulations to the 31st day of March, 1955, or any year commencing on or after the 1st day of April, 1955.

(4) The rates specified in sub-paragraph (1) may be increased—

(*a*) in respect of the carriage of each passenger, not exceeding four, to whom a travelling allowance would otherwise be payable under any enactment—

(i) where the rate payable does not exceed 2d. a mile, by not more than 1d. a mile, or

(ii) where any other rate is payable, by not more than ½d. a mile ;

(*b*) by not more than the amount of any expenditure incurred on tolls, ferries or parking fees;

(*c*) in the case of absence overnight from the usual place of residence, by not more than 2s. 6d. a night for garaging a car or tri-car, or 1s. 6d. a night for garaging a motor vehicle of any other type.

(5) For the purposes of this paragraph cylinder capacity and horse-power shall be calculated in the manner prescribed by regulation 34 of the Road Vehicles (Registration and Licensing) Regulations, 1953(a).

3. The rate for travel by taxi-cab or cab shall not exceed—

(*a*) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid, and

(*b*) in any other case, the amount of the fare for travel by appropriate public transport.

4. The rate for travel by a hired motor vehicle other than a taxi-cab or cab shall not exceed the rate which would have been applicable had the vehicle belonged to the member who hired it:

Provided that where the body so approves the rate may be increased to an amount not exceeding the actual cost of the hiring.

5. The rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in financial loss allowance and subsistence allowance consequent on travel by air:

Provided that where the body resolves, either generally or specially, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding—

(*a*) the ordinary fare or any available cheap fare for travel by regular air service, or

(*b*) where no such service is available or in case of urgency, the fare actually paid by the member.

## SECOND SCHEDULE

### Rates of Subsistence Allowance, and provisions relating thereto

1.—(1) The rate of subsistence allowance shall not exceed—

(*a*) in the case of an absence, not involving an absence overnight, from the usual place of residence—

(i) of more than four but not more than eight hours, 7s. 6d.;

(ii) of more than eight but not more than twelve hours, 12s. 6d.;

(iii) of more than twelve hours, 20s.;

(*b*) in the case of an absence overnight from the usual place of residence, 42s.:

Provided that for such an absence overnight in London, or for the purpose of attendance at an annual conference (including or not including an annual meeting) of the County Councils' Association, the Association of Municipal Corporations, the Urban District Councils' Association, the Rural District Councils' Association or such other association of bodies as the Minister may for the time being approve for the purpose, the rate may be increased by a supplementary allowance not exceeding 8s.

(2) Any rate determined under the preceding sub-paragraph shall be deemed to cover a continuous period of absence of twenty-four hours.

2. The rates specified in the preceding paragraph shall be reduced by an appropriate amount in respect of any meal provided free of charge by any authority or body during the period to which the allowance relates.

(a) S.I. 1953/231 (1953 II, p. 1887).

## THIRD SCHEDULE

FORM OF APPLICATION FOR FINANCIAL LOSS ALLOWANCE

| 1<br>Date | 2<br>Place and time of departure | 3<br>Place and time of return | 4<br>Description of approved duties | 5<br>Period of time over which earnings were lost or expense was incurred | 6<br>Amount claimed |
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| | | | | | |

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

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 or 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.

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 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<br>Date | 2<br>Place and time of departure | 3<br>Place and time of return | 4<br>Description of approved duties | 5<br>Mode and class of travel | 6<br>Fares and other authorised payments | 7<br>Number of miles travelled by member's private motor vehicle, and rate per mile claimed | 8<br>Toll, ferry and parking fees and garaging allowance | 9<br>Travelling allowance claimed | 10<br>Subsistence allowance claimed |
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| | | | | | | | | | |
| If rate entered in column 7 is more than 2d. a mile, state— | | | | | | | TOTALS ... | | |
| (*a*) type of vehicle, cylinder capacity and horse-power— | | | | | | | | | |
| (*b*) grounds on which rate of more than 2d. a mile is claimed— | | | | | | | | | |
| 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.

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

Given under the official seal of the Minister of Housing and Local Government this twenty-fifth day of March, nineteen hundred and fifty-four.

(L.S.) *Harold Macmillan,*
Minister of Housing and Local Government.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

The Regulations are primarily directed to the increase of the maximum rates of subsistence allowance, and of the maximum rate of travelling allowance for travel by a member's private motor vehicle, to which members of local authorities, etc., are entitled under the Local Government Act, 1948. The opportunity is taken to consolidate, with minor amendments, the regulations prescribing the maximum rates of subsistence and travelling allowances, the making of claims for such allowances and financial loss allowance, the keeping of records, the avoidance of duplicate payments, etc.

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| *Made* - - - - | *25th March,* 1954 |
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| *Coming into Operation* | *30th March,* 1954 |

The Minister of Housing and Local Government, in exercise of his powers under sections 112 and 117 of the Local Government Act, 1948(a), as having effect by virtue of section 16 of the Local Government (Miscellaneous Provisions) Act, 1953(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

**1.** These regulations may be cited as the Local Government (Financial Loss Allowance) Regulations, 1954, and shall come into operation on the thirtieth day of March, 1954.

**2.**—(1) The Interpretation Act, 1889(c), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations "the Act of 1948" means the Local Government Act, 1948.

**3.** The amount which a member of a body to which Part VI of the Act of 1948 applies shall be entitled to be paid by way of financial loss allowance within the meaning of section 112 of the said Act in respect of any one period of twenty-four hours shall not exceed—

(*a*) where the period of time over which earnings are lost or additional expense (other than expense on account of travelling or subsistence) is incurred is not more than four hours, the sum of fifteen shillings; or

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(a) 11 & 12 Geo. 6. c. 26. (b) 1 & 2 Eliz. 2. c. 26. (c) 52 & 53 Vict. c. 63.