1970 No. 106 (S.2)

LOCAL GOVERNMENT, SCOTLAND

The Local Government (Financial Loss Allowance) (Scotland) Regulations 1970

Made - - -	*22nd January* 1970
Laid before Parliament	*4th February* 1970
Coming into Operation	*6th February* 1970

In exercise of the powers conferred on me by sections 112 and 117 as read with section 118 of the Local Government Act 1948(**a**) and as amended by section 16 of the Local Government (Miscellaneous Provisions) Act 1953(**b**), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the Local Government (Financial Loss Allowance) (Scotland) Regulations 1970 and shall come into operation on 6th February 1970.

(2) The Local Government (Travelling Allowances, etc.) (Scotland) Regulations 1954(**c**), the Local Government (Travelling Allowances, etc.) (Scotland) Amendment Regulations 1957(**d**), 1962(**e**) and 1966(**f**) so far as they relate to the payment of financial loss allowance are hereby revoked.

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

"the Act" means the Local Government Act 1948, as amended by section 16 of the Local Government (Miscellaneous Provisions) Act 1953 ;

"body" means any body to which Part VI of the Act applies for the time being.

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

3. The rates to be determined by bodies for the payment of financial loss allowance shall not exceed the maximum rates mentioned, and shall be subject to the provisions contained, in Schedule 1 to these regulations.

4. Every member of a body who desires to claim any payment by way of financial loss allowance, shall complete and submit to that body an application in the form set out in Schedule 2 to these regulations or in a form substantially to the like effect.

(**a**) 1948 c. 26.
(**b**) 1953 c. 26.
(**c**) S.I. 1954/265 (1954 I, p. 1159).
(**d**) S.I. 1957/1089 (1957 I, p. 1336).
(**e**) S.I. 1962/935 (1962 II, p. 1077).
(**f**) S.I. 1966/899 (1966 II, p. 2152).
(**g**) 1889 c. 63.

5.—(1) Where a person necessarily suffers or incurs any loss or expense to which section 112 of the Act applies, in respect of the performance by him in any one period of twenty-four hours of approved duties as a member of more than one body, he shall be entitled to receive and there shall be payable by the bodies concerned, in respect of the performance of those duties, such payments by way of financial loss allowance as will be equal in the aggregate to the payment to which he would have been entitled had all the said duties been performed by him as a member of one only of these bodies.

(2) Where in any one period of twenty-four hours a person becomes entitled in respect of the performance of any duties to receive payments by way of, or in the nature of, financial loss allowance, both under Part VI of the Act and under any other enactment, the amount which he shall be entitled to receive under either of those enactments in respect of financial loss allowance shall be reduced by any amount received by him in respect of financial loss allowance under the other of those enactments, and any claim for any such payment as aforesaid shall contain particulars of any amount so received.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
22nd January 1970.

SCHEDULE 1

MAXIMUM RATES OF PAYMENTS BY WAY OF LOSS OF EARNINGS OR ADDITIONAL EXPENSES, AND PROVISIONS RELATING THERETO

The payment which a member of a body shall be entitled to receive by way of financial loss allowance in respect of any one period of twenty-four hours shall not exceed—

(i) where the period of time over which earnings are lost or additional expenses are incurred is not more than four hours, the sum of £2;

(ii) where the said period of time is more than four hours, the sum of £4.

SCHEDULE 2

FORM OF APPLICATION FOR FINANCIAL LOSS ALLOWANCE

Date (1)	Place and time of departure (2)	Place and time of return (3)	Description of approved duties (4)	Amount Claimed (5)

Particulars of amounts received or claimed by way of financial loss allowance from other authorities or bodies.

Amount now claimed .. ..

I declare that I have actually and necessarily—

(*a*) suffered loss of earnings which I should otherwise have made, or

(*b*) incurred additional expense, other than expense on account of travelling or subsistence,

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 sum claimed.

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.....

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the provisions of the Local Government (Travelling Allowances, etc.) (Scotland) Regulations which relate to the maximum rates of allowances payable by bodies specified in Part VI of the Local Government Act 1948 to their members who, in the performance of approved duty as defined by section 115 of that Act, suffer financial loss.

The Regulations prescribe, in pursuance of section 16 of the Local Government (Miscellaneous Provisions) Act 1953, the maximum amounts which may be paid to members of the bodies referred to by way of financial loss allowance for loss of earnings or additional expenses (other than travelling or subsistence) incurred in the performance of their duties as such members.

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