WELSH STATUTORY INSTRUMENTS

2003 No. 895 (W.115)

LOCAL GOVERNMENT, WALES

The Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003

Made - - - -	*26th March 2003*
Coming into force - -	*1st April 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers given to the Secretary of State by sections 173(1), (2) and (4), 175(1A), 177(1)(c), 177(2), 178(1) and 270(1) of the Local Government Act 1972(**1**) which are now vested in the National Assembly for Wales so far as exercisable in Wales(**2**) and the powers given to it by sections 100(1),(4),(5),(6) and (7) and 105(2) of the Local Government Act 2000(**3**)(having consulted such representatives of local government and such other persons as it considers necessary).

PART I

General

Name, commencement and application

1.—(1) The name of these Regulations is the Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 and they shall come into force on 1st April 2003.

(2) These Regulations apply to Wales only.

Interpretation

2. In these Regulations —

"the 1972 Act" ("*Deddf 1972*") means the Local Government Act 1972;

"the 2000 Act" ("*Deddf 2000*") means the Local Government Act 2000;

(**1**) 1972 c. 70.
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) 2000 c. 22.

"the 1991 Regulations" ("*Rheoliadau 1991*") means the Local Authorities (Members Allowances) Regulations 1991 as amended(**4**);

"the 2001 Regulations" ("*Rheoliadau 2001*") means the Local Authorities (Members Allowances) (Amendment) (Wales) Regulations 2001(**5**);

"authority" ("*awdurdod*") means a community council;

"year" ("*blwyddyn*") means the twelve months ending with 31st March.

Prescribed bodies and relevant authorities

3. Community Councils are prescribed as relevant authorities for the purposes of section 100(1)(b) of the 2000 Act.

PART II

Councillors' Allowances

Interpretation

4.—(1) References in this Part to a member of an authority who is a councillor shall be construed as references to an elected member of an authority and references to a member who is not a councillor shall be construed as references to a member who is a co-opted member of an authority.

(2) For the purposes of this Part the term of office of a member of an authority who is a councillor shall begin on the date on which that member makes a declaration of acceptance of that office under section 83(4) of the 1972 Act.

Attendance allowances

5.—(1) The amount prescribed for the purpose of section 173(1) of the 1972 Act (Attendance allowance) is £32.46 for any period not exceeding 24 hours and for this purpose a period of 24 hours shall begin at 3am.

(2) A member shall not be entitled to payment of more than one attendance allowance in respect of any period of 24 hours.

(3) A member shall not be entitled to payment of an attendance allowance—

(a) in respect of an approved duty in relation to which that member is entitled to payment of a financial loss allowance under section 173 of the 1972 Act; or

(b) if such payment would be contrary to a provision made by or under any enactment.

Financial loss allowance

6. The amount prescribed for the purposes of section 173(4) of the 1972 Act (financial loss allowance) is —

(a) for a period not exceeding 4 hours, £30.05;

(b) for a period exceeding 4 hours but not exceeding 24 hours, £60.11;

(**4**) S.I. 1991/351 amended by the Local Authorities (Members Allowances) (Amendment) (Wales) Regulations 2001 (S.I. 2001/2781 (W.234)).
(**5**) S.I. 2001/2781 (W.234).

(c) for a period exceeding 24 hours, the aggregate of £60.11 and such amount specified in sub-paragraph (a) or (b) as is appropriate to the number of hours by which the period exceeds 24 hours.

PART III

Allowances — Further Provision

Amount of allowances etc.

7. In relation to allowances under Part II an authority shall subject to Regulations 5 and 6 make provision for an annual adjustment of those allowances from 1st April each year equal to the figure published for the previous year as the percentage increase (if any) for the Average Male Non-Manual Wage for Wales index in the New Earnings Survey published by the Office of National Statistics.

Elections

8. A member may, by notice in writing given to the proper officer of the authority, elect to forgo any part of that member's entitlement to an allowance under these Regulations.

PART IV

Other Allowances

Definition of "approved duty"

9.—(1) Subject to the duties excluded by paragraph (2), for the purposes of sections 173, 175 and 176 of the 1972 Act "approved duty" means —

(a) any of the following duties —

(i) 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;

(ii) 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 other authorities, or a sub-committee of such a joint committee, provided that —

(aa) 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

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

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

(iv) attendance at any training or developmental event approved by the authority.

(b) any duties undertaken on behalf of the authority —

(i) in pursuance of any Standing Order requiring a member or members to be present while tender documents are opened;

(ii) 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

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

(2) The duties excluded by this paragraph are those in respect of which the member receives remuneration otherwise than under Part II.

Allowances for attending conferences and meetings — financial restrictions on allowances under section 175 of the 1972 Act

10. Any payment of an allowance under section 175 of the 1972 Act in the nature of an attendance allowance (other than such a payment by an authority to which Part II of these Regulations applies to a member who is a councillor) shall not exceed £32.46 for any period not exceeding 24 hours and for this purpose a period of 24 hours shall begin at 3am.

Travel and subsistence allowances

11.—(1) Subject to paragraph (2), a member shall be entitled to receive payments by way of travel allowance or subsistence allowance at rates determined each year by the authority where expenditure on travel or subsistence is necessarily incurred by that member in the performance of an approved duty as a member of the authority.

(2) The rates of allowance determined for a year under paragraph (1) for travel by means of a private motor vehicle shall not exceed the rates of the equivalent allowances payable for that year to members of the National Assembly for Wales provided that, where the rate of any such allowance on the day immediately before the day on which these Regulations come into force is already in excess of the rate of the equivalent allowance payable for that year to members of the National Assembly for Wales, the rate of that allowance may continue at that level but shall not be increased until the rate of the equivalent allowance payable to members of the National Assembly for Wales is greater than that paid by the authority.

(3) Any claim for payment of travel and subsistence allowances in accordance with these Regulations (excluding claims for travel by means of a private motor vehicle) shall be accompanied by appropriate receipts proving actual expenses, subject to any requirement or limitation that an authority may determine.

(4) A member shall not be entitled to any payment under this Regulation in respect of the performance as such a member of an approved duty within the community, or in the case of a community grouped under a community council, the area of that group.

PART V

Administrative Arrangements

Avoidance of duplication

12.—(1) A claim for a payment by way of attendance allowance, financial loss allowance, allowances for attending conferences and meetings, travel allowance and subsistence allowance shall include, or be accompanied by, a statement signed by the member that the member has not made and will not make any other claim in respect of the matter to which the claim relates.