

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2003 No. (W.)

**LOCAL GOVERNMENT,
WALES**

**The Local Authorities (Allowances
for Members of County and County
Borough Councils)(Pensions)
(Wales) Regulations 2003**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 18(3A) of the Local Government and Housing Act 1989, as inserted by section 99(7) of the Local Government Act 2000, provides the power for the Secretary of State to make Regulations which may make provision for or in connection with enabling county and county borough councils to determine which of their members are entitled to pensions and to treat basic allowance or special responsibility allowance as amounts in respect of which pensions are payable. This power is now vested in the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999.

At Regulation 3 these Regulations enable county and county borough councils in Wales to determine which members (who are councillors) are entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997 (as amended). Where authorities use their discretion to admit members to pension schemes they must make provision for basic allowances and special responsibility allowances to be treated as pensionable.

STATUTORY INSTRUMENTS

2003 No. (W.)

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**The Local Authorities (Allowances
for Members of County and County
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(Wales) Regulations 2003**

<i>Made</i>		<i>2003</i>
<i>Coming into force</i>		<i>1st October 2003</i>

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by section 18(3A) of the Local Government and Housing Act 1989(**1**) which are now vested in it by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999(**2**) so far as exercisable in Wales and the powers given to it by section 99 of the Local Government Act 2000(**3**):

Name, commencement and application

1.—(1) These Regulations are called the Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003 and they shall come into force on 1st October 2003.

(2) These Regulations apply to Wales only.

Interpretation

2. In these Regulations –

“the 2002 Regulations” means the Local Authorities (Allowances for Members of County

(**1**) c.42.

(**2**) S.I. 1999/672.

(**3**) c.22.

and County Borough Councils and National Park Authorities) (Wales) Regulations 2002(4);

“authority” (“awdurdod”) means a county council or a county borough council;

“basic allowances” mean allowances as defined in regulation 7 of the 2002 Regulations;

“members” means councillors of an authority which may include the elected mayor of an authority operating different executive arrangements which take the form of a mayor and cabinet executive;

“special responsibility allowances” mean allowances as defined in regulation 8 of the 2002 Regulations.

Pensions

3. An authority must —

- (a) determine which members of the authority are entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997(5); and
- (b) provide in respect of those members referred to in paragraph (a) that basic allowances and special responsibility allowances are treated as amounts in respect of which pensions are payable.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6)

Date

The Presiding Officer of the National Assembly

(4) S.I. 2002/1895 (W.196).

(5) S.I. 1997/1612, as amended by S.I. 1997/1613, S.I. 1998/1238, S.I. 1999/1212, S.I. 1999/3438, S.I. 2000/ 3025, S.I. 3649, , S.I. 2001/ 770, S.I. 2001/1481, S.I. 2001/2401, S.I. 2002/206, S.I. 2002/819, S.I. 2003/.... There are other amendments which are not relevant to Wales.

(6) 1998 c.38.