WELSH STATUTORY INSTRUMENTS

2003 No. 2963 (W.280)

LOCAL GOVERNMENT, WALES

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

Made - - - -	*18th Novemeber 2003*
Coming into force - -	*1st January 2004*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 18(3A),(3D) and (3G) 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:

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 January 2004.

(2) These Regulations apply to Wales only.

Interpretation

2. In these Regulations —

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002(**3**);

"authority" ("*awdurdod*") means a county council or a county borough council in Wales;

"basic allowances" ("*lwfansau sylfaenol*") mean allowances as defined in regulation 7 of the 2002 Regulations;

"members" ("*aelodau*") means councillors of an authority including the elected mayor of an authority operating different executive arrangements which take a form which includes an elected mayor;

(**1**) c.42. Subsections (3A),(3D) and (3G) of section 18 were inserted by section 99 of the Local Government Act 2000 (c. 22.)
(**2**) S.I.1999/672.
(**3**) S.I. 2002/1895 (W.196).

"special responsibility allowances" ("*lwfansau cyfrifoldeb arbenning*") mean allowances as defined in regulation 8 of the 2002 Regulations.

Pensions

3.—(1) An authority may —

(a) determine which members of the authority are entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997(**4**); 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.

(2) An authority must in making any determination in accordance with this regulation only do so in respect of a member who has been first recommended by the Welsh Independent Remuneration Panel as eligible for such entitlement, under regulation 5.

Welsh Independent Remuneration Panel

4.—(1) The National Assembly for Wales must appoint a temporary independent remuneration panel known as the Welsh Independent Remuneration Panel in accordance with this Regulation in respect of all authorities.

(2) The Welsh Independent Remuneration Panel must exist for a period of six months commencing from the date of its establishment by the National Assembly for Wales.

(3) The Welsh Independent Remuneration Panel must consist of at least three members appointed by the National Assembly for Wales including one member appointed as the chairperson.

(4) None of the members appointed in accordance with paragraph (3) may be —

(a) a member of the National Assembly for Wales, the House of Commons, the House of Lords, the European Parliament, an authority, a town or community council; or

(b) disqualified (**5**) from being or becoming a member of an authority other than as an officer in the employment of a local authority.

(5) The National Assembly for Wales must pay the expenses incurred by the Welsh Independent Remuneration Panel in carrying out its functions and may pay the members of the panel such allowances or expenses as it may determine.

(6) The National Assembly for Wales must make available to the Welsh Independent Remuneration Panel appropriate administrative support.

Recommendations of the Welsh Independent Remuneration Panel

5.—(1) The Welsh Independent Remuneration Panel must produce a report in relation to all authorities, making recommendations as to which members of an authority are to be entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997.

(2) The Welsh Independent Remuneration Panel may, in the performance of its functions under paragraph (1) seek information or advice from any body or person.

(3) The Welsh Independent Remuneration Panel may make different recommendations in relation to each of the authorities in respect of which it exercises its functions.

(**4**) 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. 2001/3649, S.I. 2001/ 770, S.I. 2001/1481, S.I. 2001/2401, S.I. 2002/206, S.I. 2002/819, S.I. 2003/2249. There are other amendments which are not relevant to Wales.

(**5**) *See* Section 80 of the Local Government Act 1972 (c. 70) and sections 79 and 83(11) of the Local Government Act 2000.