WELSH STATUTORY INSTRUMENTS

2003 No. 2676 (W.258)

LOCAL GOVERNMENT, WALES

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

Made - - - -	*15th October 2003*
Coming into force - -	*16th October 2003*

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 exercisable 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 sections 13, 32, 105 and 106 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) (Past Service Awards) (Wales) Regulations 2003 and they shall come into force on 16th October 2003.

(2) These Regulations apply to Wales only.

Interpretation

2. In these Regulations —

"the 1972 Act" ("*Deddf 1972*") means the Superannuation Act 1972(**4**);

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

"past service award" ("*dyfarndal am wasanaeth a roddwyd*") means a gratuity in accordance with regulations made under section 7 of the 1972 Act;

"predecessor authority" ("*awdurdod rhagflaenol*") means any local authority in existence in Wales prior to 1st April 1996 not being a parish, town or community council;

(**1**) c.42. Section 18(3A) of the Local Government and Housing Act 1989 was inserted by section 99(7) of the Local Government Act 2000.
(**2**) S.I. 1999/672.
(**3**) c.22.
(**4**) c.11.

"qualifying period" ("*cyfnod cymhwyso*") means that period of time which an authority determines as the period for which a member must have been an elected member of an authority or a predecessor authority in Wales to qualify for a past service award being a period of not less than fifteen years by 9th May 2003.

Past service awards

3. Subject to Regulation 4 an authority may determine which members of that authority, who are councillors of that authority, are entitled to a past service award.

Entitlement to past service awards

4. In determining which members are entitled to a past service award in accordance with Regulation 3 an authority must —

(a) require that a member has served a qualifying period;

(b) require that a member must make written application to the Head of Paid Service for a past service award by such date as may be determined by the authority being not later than five weeks after the coming into force of these Regulations;

(c) require that the member is an elected member of that authority on the day following the final day for nominations for the ordinary election of councillors of authorities in 2004;

(d) ensure that before making payment of a past service award to a member having made application in accordance with paragraph (b) it is satisfied that the member did not subsequently stand for election in the 2004 elections for authorities; and

(e) ensure that the member is not also a member of the National Assembly for Wales, House of Commons, the House of Lords or the European Parliament.

Calculation of qualifying period

5.—(1) In calculating any qualifying period in accordance with regulation 4(a) an authority must, subject to the limitations specified in paragraph (2), take account of any periods of previous service whether any such periods of previous service were with the authority, any other authority or any predecessor authority.

(2) The limitations referred to in paragraph (1) are —

(a) periods of suspension are not to be regarded as periods of service;

(b) where periods of previous service with a predecessor authority have been served concurrently with more than one such authority, it is only service with one such authority that is to be taken into account.

(3) In calculating any qualifying period in accordance with Regulation 4(a) where service was with a predecessor authority which ceased to exist on 31st March 1996 the period of service from May 1995 to 31st March 1996 is deemed to be one year's service except in the case of a member who was also a member of an authority on 1st April 1996.

Amendment of Regulations

6. In paragraph H of Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001(**5**) (Functions relating to pensions etc.) there is added—

(a) in column (1) after 1 —

"1A. Functions relating to pensions, allowances and gratuities; and"; and

(**5**) S.I. 2001/2291 (W.179).