



# Local Government Act 2000

## 2000 CHAPTER 22

### PART V

#### MISCELLANEOUS

##### *Allowances and pensions*

#### **99 Allowances and pensions for certain local authority members.**

- (1) The provision which may be made by regulations under section 7 of the <sup>M1</sup>Superannuation Act 1972 (superannuation of persons employed in local government service etc) includes provision for or in connection with the provision of pensions, allowances or gratuities to or in respect of such members of a local authority as may be prescribed by the regulations [<sup>F1</sup>; and for the purposes of the application of this subsection to Wales, the reference to pensions and allowances is to be ignored.].
- (2) In subsection (1) “local authority” has the same meaning as in Part II of this Act.
- (3) Section 18 of the <sup>M2</sup>Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for local authority members) is amended as follows.
- (4) At the beginning of subsection (1) there is inserted “ Subject to subsection (1A), ” and after that subsection there is inserted—
  - “(1A) In relation to a district council, county council, county borough council or London borough council, subsection (1) above shall have effect with the omission of paragraph (b).”
- (5) After subsection (2) there is inserted—
  - “(2A) Regulations under this section may authorise or require a scheme made by a district council, county council, county borough council or London borough council to include provision for the payment to members of the council of allowances in respect of such expenses of arranging for the care of children

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or dependants as are necessarily incurred in the carrying out of their duties as members.”

(6) In subsection (3), for “and (2)” there is substituted “ to (2A) ”.

(7) After subsection (3) there is inserted—

“(3A) Regulations under this section may make provision for or in connection with—

- (a) enabling district councils, county councils, county borough councils or London borough councils to determine which members of the council are to be entitled to pensions, allowances or gratuities,
- (b) treating the basic allowance or the special responsibility allowance as amounts in respect of which such pensions, allowances or gratuities are payable.

(3B) Regulations under this section may make provision for or in connection with requiring a district council, county council, county borough council or London borough council to establish and maintain a panel which is to have such functions as may be specified in the regulations in relation to allowances, or pensions, allowances or gratuities, payable to members of the council.

(3C) Regulations under this section may make provision for or in connection with enabling a panel established by a body specified in the regulations to exercise such functions as may be specified in the regulations in relation to allowances, or pensions, allowances or gratuities, payable to members of such district councils, county councils or London borough councils in England as may be specified in the regulations.

(3D) Regulations under this section may make provision for or in connection with the establishment by the National Assembly for Wales on a permanent or temporary basis of a panel which is to have such functions as may be specified in the regulations in relation to allowances, or pensions, allowances or gratuities, payable to members of county councils and county borough councils in Wales.

(3E) Regulations under subsection (3B) above may include provision—

- (a) with respect to the number of persons who may or must be appointed to the panel of a council,
- (b) with respect to the persons who may or must be appointed to the panel of a council,
- (c) for or in connection with the appointment by councils of joint panels.

(3F) Regulations under subsection (3C) may include provision—

- (a) with respect to the number of persons who may or must be appointed to a panel mentioned in that subsection,
- (b) with respect to the persons who may or must be appointed to such a panel.

(3G) Regulations under subsection (3B), (3C) or (3D) may include provision—

- (a) for or in connection with enabling a panel mentioned in that subsection to make recommendations to a council on the level of allowances payable to members of the council,

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- (b) for or in connection with enabling such a panel to make recommendations to a council as to which members of the council are to be entitled to pensions, allowances or gratuities,
  - (c) which permits different recommendations to be made in relation to different councils or descriptions of council.”
- (8) In subsection (4), for the word “and” at the end of paragraph (b) there is substituted—  
“(ba) make provision with respect to the amendment, revocation or replacement of a scheme made by a relevant authority under the regulations; and”.
- (9) After subsection (5) there is inserted—  
“(5A) In making or operating any scheme authorised or required by regulations under this section, a district council, county council, county borough council or London borough council shall have regard to any guidance for the time being issued by the Secretary of State.”

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**Textual Amendments**

- F1** Words in s. 99(1) inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), s. 178(3), [Sch. 3 para. 5\(2\)](#); S.I. 2012/1187, art. 2(1)(q)
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**Commencement Information**

- I1** S. 99 wholly in force at 28.7.2001; s. 99 not in force at Royal Assent see s. 108(4); s. 99(1)-(3)(5)-(9) with the exception of so much of subsection (3) as relates to subsection (4) in force at 19.2.2001 in relation to England only by [S.I. 2001/415](#), [art. 2\(b\)](#); s. 99 in force at 28.7.2001 in so far as not already in force see s. 108(4)
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**Marginal Citations**

- M1** 1972 c. 11.  
**M2** 1989 c. 42.

**F<sup>2</sup>100 Power to make provision about allowances.**

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**Textual Amendments**

- F2** S. 100 repealed (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), s. 178(3), [Sch. 3 para. 5\(3\)](#), [Sch. 4 Pt. F](#); S.I. 2012/1187, art. 2(1)(q)(2)(m)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(2ZA) inserted by [2011 nawm 4 s. 59\(3\)](#)
- s. 21(13)(c) inserted by [2011 nawm 4 s. 59\(5\)\(b\)](#)
- s. 21(15A) inserted by [2011 nawm 4 s. 59\(6\)](#)
- s. 21(18) inserted by [2011 nawm 4 s. 59\(7\)](#)
- s. 21C(6)(aa)(ab) inserted by [2012 c. 7 Sch. 5 para. 97\(a\)](#)