
STATUTORY INSTRUMENTS

2003 No. 2437

PENSIONS, WALES

**The Local Government (Gratuities) (Members
of County Councils and County Borough
Councils) (Wales) Regulations 2003**

Made - - - - *19th September 2003*
Laid before Parliament *25th September 2003*
Coming into force - - *16th October 2003*

The Secretary of State, in exercise of the powers conferred upon him by section 7 of the Superannuation Act 1972(1) and section 99(1) of the Local Government Act 2000(2) and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned, the local authorities with whom consultation appeared to him to be desirable and such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Local Government (Gratuities) (Members of County Councils and County Borough Councils) (Wales) Regulations 2003 and shall come into force on 16th October 2003.

(2) These Regulations apply in relation to Wales only.

(3) In these Regulations, “county council” means a county council in Wales and “county borough council” means a county borough council in Wales.

Payment of past service award

2. A county council or a county borough council shall pay a lump sum past service award to an elected member of that authority who in respect of service ending in 2004 is entitled to such an award under regulations made by the National Assembly for Wales(3) under section 18(3A) of the Local Government and Housing Act 1989(4).

(1) 1972 (c. 11).

(2) 2000 (c. 22).

(3) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(4) 1989 (c. 42); section 18(3A) was inserted by the Local Government Act 2000 (c. 22), section 99(3) and (7).

Amount of past service award

- 3.—(1) The amount of the past service award must not exceed the lesser of—
- (a) an amount equal to the total of £1,000 for each complete year of councillor service; or
 - (b) £20,000.
- (2) A person's councillor service is service as an elected member of—
- (a) a county council or county borough council, or
 - (b) any predecessor authority.
- (3) A predecessor authority is any local authority in existence in Wales prior to 1st April 1996, not being a parish, town or community council.
- (4) Subject to the limitations in paragraphs (6) and (7), in calculating the number of complete years of councillor service, all complete years and part years of councillor service shall be aggregated and rounded down to a period of complete years.
- (5) But any period commencing on 8th May 1995 and ending on 31st March 1996 shall count as a complete year when calculating the period of councillor service of a person—
- (a) who was a councillor of a predecessor authority that ceased to exist on 31st March 1996 and whose period of service with that authority ended on that date, and
 - (b) who was not also a councillor of a county council or county borough council on 1st April 1996.
- (6) Any period when a person was suspended or partially suspended from his responsibilities or duties as an elected member of a county council, a county borough council or a predecessor authority shall not be included in calculating the length of his councillor service.
- (7) Where a person served concurrently as a councillor of more than one predecessor authority, service with one such authority only shall be taken into account in calculating his councillor service.
- (8) The cost of a past service award shall not be met out of any pension fund administered under the Local Government Pension Scheme Regulations 1997⁽⁵⁾.

Payment of the past service award

- 4.—(1) Payment of the past service award shall be made no earlier than the day following the final day for nominations for the ordinary election of councillors of county councils and county borough councils in 2004 and no later than the fourth day after the date of that ordinary election.
- (2) If a person dies after he becomes entitled to the past service award and before payment of it to him, the past service award shall be paid, without production of probate or other proof of title, to his personal representatives.

Signed by authority of the Secretary of State

19th September 2003

Nick Raynsford
Minister of State,
Office of the Deputy Prime Minister

(5) S.I. 1997/1612, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision with respect to the past service award gratuities which are payable to members of county councils and county borough councils in Wales who may become entitled to such gratuities under regulations made by the National Assembly for Wales under section 18(3A) of the Local Government and Housing Act 1989, as amended by the Local Government Act 2000.

Regulation 2 provides that a past service award will be paid to a councillor who meets the requirements of such regulations as are made by the National Assembly for Wales.

Regulation 3 sets out the maximum amount of the lump sum which is calculated by reference to past service.

Regulation 4 provides that an award must be paid no earlier than the day following the final day for nominations for the ordinary election of councillors of county councils and county borough councils in Wales in 2004 and no later than the fourth day after the date of that ordinary election.