

2009 No. 1485

EUROPEAN PARLIAMENT

The European Parliament (Pay and Pensions) Regulations 2009

Made - - - - *12th June 2009*

Laid before Parliament *17th June 2009*

Coming into force - - *14th July 2009*

The Lord Privy Seal is a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the European Parliament including elections to the Parliament and members of the Parliament.

The Lord Privy Seal makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the European Parliament (Pay and Pensions) Regulations 2009 and come into force on 14th July 2009.

Amendment of the European Parliament (Pay and Pensions) Act 1979

2.—(1) The European Parliament (Pay and Pensions) Act 1979^(c) is amended as follows.

(2) In section 1 (salaries of Representatives), after subsection (5) insert —

“(6) This section does not apply on or after 14 July 2009, except in relation to a Representative who is an opted-out Representative.

(7) An “opted-out Representative” is a Representative who exercises the option conferred by Article 25 of the Statute for Members of the European Parliament (European Parliament Decision 2005/684/EC, Euratom) (existing Representatives may opt out of new arrangements for remuneration from 14 July 2009).”.

(3) Omit section 2 (allowances).

(4) In section 3 (resettlement grants to persons ceasing to be Representatives), after subsection (4) insert —

“(5) This section does not apply after 14 July 2009, except in relation to a Representative who is an opted-out Representative.”.

(a) S.I. 2008/3117.

(b) 1972 c.68; there are amendments but none is relevant.

(c) 1979 c.50; section 1(3) was amended by the European Communities (Amendment) Act 1986 (c.58), section 3; section 2(1) was amended by S.I. 2003/2922; section 3 was substituted by S.I. 1994/1663 and further amended by the European Parliamentary Elections Act 1999 (c.1), section 3(2) and Schedule 3, paragraph 2(2), the amendment was continued by the European Parliamentary Elections Act 2002 (c.24), section 15 and Schedule 3, paragraph 4(a); section 3A was inserted by the Parliamentary Pensions etc. Act 1984 (c.52), section 14 and further amended by S.I. 2003/2922; section 4 was amended by S.I. 2003/2922; section 7(3) was amended by S.I. 2003/2922; there are other amendments but none is relevant.

(5) In section 3A(1) (power to amend section 3), before the words “ceasing to be Representatives”, insert “to whom it applies or applied”, wherever they appear.

(6) In section 4 (pensions), after subsection (3) insert —

“(3A) An order under this section shall not make provision for any period of service as a Representative on or after 14 July 2009 to be taken into account for pension purposes, except in relation to a Representative who is an opted-out Representative.”.

(7) Omit section 7(3)(a) (expenses relating to section 2).

(8) In section 8(1) (interpretation) insert in the relevant place—

““opted-out Representative” has the meaning given by section 1(7);”.

(9) In section 8(2) (orders) omit the words “, unless made under section 2,”.

12 June 2009

Harriet Harman
Lord Privy Seal
Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the European Parliament (Pay and Pensions) Act 1979 (“the Act”) so as to exclude from the ambit of the Act certain members of the European Parliament (“MEPs”). This exclusion applies in relation to MEPs whose salary, transitional allowance and pension will, from the first day of the European Parliament parliamentary term for 2009 (14th July 2009), be paid in accordance with the ‘MEP Statute’ (Decision of the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament (2005/684/EC, Euratom)).

The Act provides for the payment of salaries, pensions and certain allowances to UK MEPs. Under the terms of the MEP Statute, from 14 July 2009, these payments will be made directly from the general budget of the European Union. However, MEPs who are re-elected for the new European parliamentary term commencing on 14 July 2009 may opt to continue to be paid in accordance with the pre-existing national system (here, the Act) rather than the new European system. The effect of these Regulations is to amend the Act to ensure that there can only be a single payment of salary, pension or other allowances for those MEPs who are to be paid under the MEP Statute. The Act will continue to apply to any MEPs who choose to opt-out of the new system, or who have accrued existing pension rights.

Section 1 of the Act provides for the payment of salaries to MEPs. Regulation 2(2) inserts a new subsection (6) into that section to provide that, on or after 14 July 2009, the section applies only in respect of MEPs who have opted out of the European system. A definition of an ‘opted-out Representative’ is also inserted into that section.

Section 2 of the Act (allowances) is repealed by regulation 2(3). From 14 July 2009, MEPs (whether or not they have opted-out for the purposes of salaries, pensions and transitional allowances) will be entitled to claim various entitlements (such as general expenses incurred in connection with their mandate) in accordance with articles 18 – 22 of the MEP Statute.

Section 3 of the Act provides for the payment of resettlement grants to persons ceasing to be MEPs. Regulation 2(4) inserts a new subsection (5) into that section to provide that after 14 July 2009, the section applies only in respect of MEPs who have opted out of the European system.

Section 4 of the Act provides for the accrual of pension rights for MEPs. Regulation 2(6) inserts a new subsection (3A) into section 4 to provide that an order made under that section shall not make provision in respect of any period of service as a Representative on or after 14 July 2009 except for those MEPs that have opted out of the new system.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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