

**2004 No. 928**

**PENSIONS, ENGLAND AND WALES**

**The Local Government Pension Scheme and Discretionary  
Compensation (Members of County and County Borough  
Councils in Wales) Regulations 2004**

|                               |                        |
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| <i>Made</i> - - - -           | <i>25th March 2004</i> |
| <i>Laid before Parliament</i> | <i>1st April 2004</i>  |
| <i>Coming into force</i> - -  | <i>10th June 2004</i>  |

The Secretary of State, in exercise of the powers conferred upon him by sections 7 and 24 of the Superannuation Act 1972(a) and section 99 of the Local Government Act 2000(b) 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 make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Local Government Pension Scheme and Discretionary Compensation (Members of County and County Borough Councils in Wales) Regulations 2004 and shall come into force on 10th June 2004.

(2) These Regulations extend to England and Wales(c).

**Amendment of the Local Government Pension Scheme Regulations 1997**

2. The Local Government Pension Scheme Regulations 1997(d) shall be amended in accordance with regulations 3 and 4 of these Regulations.

**Interpretation**

3. In Schedule 1, for the definition of “eligible councillor”(e) substitute—

““eligible councillor” means—

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(a) 1972 (c.11).

(b) 2000 (c.22).

(c) The Secretary of State’s functions under sections 7 and 24 of the Superannuation Act 1972 so far as exercisable in relation to Scotland are transferred to Scottish Ministers; see section 63 of the Scotland Act 1998 (c.46) and article 2 of, and Schedule 1 to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750).

(d) S.I. 1997/1612; relevant amending instruments are S.I. 1997/1613, 1998/1238, 1999/1212, 3438, 2000/1164, 3025, 2001/770, 1481, 3401, 2002/206, 819, 2003/1022, 2004/573.

(e) The definition of “eligible councillor” was inserted by S.I. 2003/1022, regulation 6.

- (a) a member of a local authority in England who is entitled to be a member of the Scheme under a scheme made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003(a); and
- (b) a member of a county council or county borough council in Wales who is entitled to be a member of the Scheme by virtue of a determination made by his authority under the Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003(b);”.

### Meaning of “pay”

#### 4. In paragraph 4(c) of Schedule 8(d)—

- (a) for paragraphs (1) and (2) of regulation 13, substitute—

“(1) A councillor member’s pay in any year—

- (a) in the case of a councillor member who is a member of a local authority in England, is the total of such of his —
  - (i) basic allowance, and
  - (ii) special responsibility allowance
 as may be treated as amounts in respect of which pensions under these Regulations are payable as set out in a scheme made in accordance with the Local Authorities (Members’ Allowances) (England) Regulations 2003, and
- (b) in the case of a councillor member who is a member of a county council or a county borough council in Wales, is his basic allowance and special responsibility allowance.

(2) “Basic allowance” and “special responsibility allowance” have the same meaning as in—

- (a) regulations 4 and 5 respectively of the Local Authorities (Members’ Allowances) (England) Regulations 2003 in respect of councillor members who are members of a local authority in England; and
- (b) regulations 7 and 8 respectively of the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002(e) in respect of councillor members who are members of a county council or a county borough council in Wales.”; and

- (b) for paragraph (6) of regulation 13, substitute—

““Year” means the 12 months ending with 31st March save that in respect of the year ending with 31st March 2004, it means the period from 1st May 2003 until 31st March 2004 in respect of councillor members who are members of a local authority in England and in respect of the year ending 31st March 2005, it means the period from 10th June 2004 until 31st March 2005 in respect of councillor members who are members of a county council or a county borough council in Wales.”.

### **The Local Government Pension Scheme Regulations 1997, the Local Government (Discretionary Payments) Regulations 1996 and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000**

5. Subject to the amendments made by these Regulations, the amendments made to the Local Government Pension Scheme Regulations 1997, the Local Government (Discretionary Payments) Regulations 1996(f) and the Local Government (Early Termination of Employment)

(a) S.I. 2003/1021.

(b) S.I. 2003/2963 (W.280).

(c) Paragraph 4 substitutes a different regulation 13 (meaning of “pay”) for councillor members.

(d) Schedule 8 was inserted by S.I. 2003/1022, regulation 8 and the Schedule.

(e) S.I. 2002/1895 (W.196).

(f) S.I. 1996/1680; relevant amending instrument is S.I. 1997/1613.

(Discretionary Compensation) (England and Wales) Regulations 2000<sup>(a)</sup> by the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003<sup>(b)</sup> shall apply in relation to members of county councils and county borough councils in Wales as they apply in relation to members of county councils, district councils and London borough councils in England.

Signed by authority of the Secretary of State

25th March 2004

*Phil Hope*  
Parliamentary Under Secretary of State,  
Office of the Deputy Prime Minister

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<sup>(a)</sup> S.I. 2000/1410, to which there are amendments not relevant to these Regulations.  
<sup>(b)</sup> S.I. 2003/1022.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for members of county and county borough councils in Wales who are entitled to pensionable allowances by virtue of the Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003 to be members of the Local Government Pension Scheme constituted by the Local Government Pension Scheme Regulations 1997 (“the principal Regulations”). The amendments to the principal Regulations, the Local Government (Discretionary Payments) Regulations 1996 and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 made by the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 for members of county and district councils in England and London Borough councils are applied, subject to the changes set out in regulations 3 and 4, to members of county and county borough councils in Wales.

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