



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 2963 (Cy.280)

2003 No. 2963 (W.280)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Awdurdodau Lleol
(Lwfansau i Aelodau Cyngorau
Sir a Chyngorau Bwrdeistref
Sirol) (Pensiynau) (Cymru)
2003**

**The Local Authorities (Allowances
for Members of County and
County Borough Councils)
(Pensions) (Wales) Regulations
2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae adran 18(3A) o Ddeddf Llywodraeth Leol a Thai 1989, fel y'i mewnosodwyd gan adran 99(7) o Ddeddf Llywodraeth Leol 2000, yn darparu'r pŵer i'r Ysgrifennydd Gwladol wneud Rheoliadau a gaiff wneud darpariaeth ar gyfer neu mewn cysylltiad â galluogi cyngorau sir a chyngorau bwrdeistref sirol i benderfynu pa rai o'u haelodau sydd â hawl i bensiynau ac i drin lwfans sylfaenol neu lwfans cyfrifoldeb arbennig fel symiau y mae pensiynau'n daladwy mewn perthynas â hwy. Mae'r pŵer hwn bellach wedi'i freinio yng Nghynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999.

Section 18(3A) of the Local Government and Housing Act 1989, as inserted by section 99(7) of the Local Government Act 2000, provides the power for the Secretary of State to make Regulations which may make provision for or in connection with enabling county and county borough councils to determine which of their members are entitled to pensions and to treat basic allowance or special responsibility allowance as amounts in respect of which pensions are payable. This power is now vested in the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999.

Mae Rheoliad 3 o'r Rheoliadau hyn yn galluogi cyngorau sir a chyngorau bwrdeistref sirol yng Nghymru i benderfynu pa aelodau (sydd yn gynghorwyr) sydd â'r hawl i bensiynau yn unol â Rheoliadau Cynlluniau Pensiwn Llywodraeth Leol 1997 (fel y'u diwygiwyd). Pan fydd awdurdodau yn defnyddio'u disgrisiwn i dderbyn aelodau i gynlluniau pensiwn, rhaid iddynt wneud darpariaeth ar gyfer lwfans sylfaenol a lwfans cyfrifoldeb arbennig i gael eu trin fel rhai pensiynadwy a rhaid iddynt ystyried unrhyw argymhellion sy'n cael eu gwneud gan Banel Taliadau Annibynnol Cymru yn unol â rheoliad 5 o ran pa aelodau sydd â'r hawl i fudd-daliadau o'r fath.

At Regulation 3 these Regulations enable county and county borough councils in Wales to determine which members (who are councillors) are entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997 (as amended). Where authorities use their discretion to admit members to pension schemes they must make provision for basic allowances and special responsibility allowances to be treated as pensionable and must have regard to any recommendations made by the Welsh Independent Remuneration Panel in accordance with regulation 5 as to which members may be entitled to such benefits.

Mae Rheoliad 4 yn galluogi Cynulliad Cenedlaethol Cymru i sefydlu panel annibynnol dros dro ar gyfer taliadau, a elwir Panel Taliadau Annibynnol Cymru, am gyfnod o chwe mis (rheoliad 4(2)). Bydd y panel yn cynnwys nid llai na thri aelod (rheoliad 4(3)), y dylai un ohonynt gael ei benodi'n gadeirydd gan Gynulliad Cenedlaethol Cymru. Ni fydd y panel yn cynnwys aelodau sy'n aelodau o Gynulliad Cenedlaethol Cymru, Tŷ'r Cyffredin, Tŷ'r Arglwyddi, Senedd Ewrop, cyngor sir neu gyngor bwrdeistref sirol, cyngor tref neu gyngor cymuned (rheoliad 4(4)(a)). Ni ddylai'r panel ychwaith fod ag unrhyw aelodau sydd wedi'u hanghymhwyso rhag bod neu ddod yn aelod o gyngor sir neu gyngor bwrdeistref sirol (rheoliad 4(4)(b)) ac eithrio swyddog sy'n cael ei gyflogi gan awdurdod lleol. Caiff Cynulliad Cenedlaethol Cymru dalu lwfansau a threuliau ar gyfer Panel Taliadau Annibynnol Cymru a darparu cymorth gweinyddol priodol (rheoliadau 4(5) a (6)).

Mae Rheoliad 5 yn nodi swyddogaethau Panel Taliadau Annibynnol Cymru. Bydd y panel yn llunio adroddiad sy'n argymhell pa aelodau cynghorau sir a chynghorau bwrdeistref sirol sydd â'r hawl i gael pensïynau o dan Reoliadau Cynlluniau Pensiwn Llywodraeth Leol 1997. Wrth gyflawni'r swyddogaeth hon caiff y panel ofyn i unrhyw gorff neu unrhyw berson am wybodaeth neu gyngor (rheoliad 5(2)). Bydd Cynulliad Cenedlaethol Cymru yn anfon copi o adroddiad y panel i bob cyngor sir a chyngor bwrdeistref sirol (rheoliad 5(4)).

O dan reoliad 6 bydd Cynulliad Cenedlaethol Cymru yn cyhoeddi'r manylion am adroddiad y panel ym mhapurau newydd Cymru. Bydd pob cyngor sir a chyngor bwrdeistref sirol yn trefnu bod yr adroddiad ar gael i'r cyhoedd ei archwilio (rheoliad 6(3)(a)) a threfnu bod copi ar gael am y ffi resymol y bydd yr awdurdod yn penderfynu arni (rheoliad 6(3)(b)).

Regulation 4 enables the National Assembly for Wales to establish a temporary independent remuneration panel, known as the Welsh Independent Remuneration Panel, for a period of six months (regulation 4(2)). The panel will consist of no less than three members (regulation 4(3)), one of who should be appointed as chairperson by the National Assembly for Wales. The panel will not comprise members who are members of the National Assembly for Wales, the House of Commons, the House of Lords, the European Parliament, a county or county borough council, a town or community council (regulation 4(4)(a)). Neither should the panel have any members who are disqualified from being or becoming a member of a county or county borough council (regulation 4(4)(b)) other than an officer in the employment of a local authority. The National Assembly for Wales may pay allowances and expenses in respect of the Wales Independent Remuneration Panel and provide appropriate administrative support (regulations 4(5) and (6)).

Regulation 5 sets out the functions of the Welsh Independent Remuneration Panel. The panel will produce a report that recommends which members of county and county borough councils are entitled to pensions under the Local Government Pension Scheme Regulations 1997. In performing this function the panel may seek information or advice from any body or any person (regulation 5(2)). The National Assembly for Wales will send a copy of the panel's report to each county and county borough council (regulation 5(4)).

Under regulation 6 the National Assembly for Wales will publish the details of the panel's report in newspapers in Wales. Each county and county borough council will make the report available to the public for inspection (regulation 6(3)(a)) and make a copy available at such reasonable fees as the authority may determine (regulation 6(3)(b)).

2003 Rhif 2963 (Cy.280)**2003 No. 2963 (W.280)****LLYWODRAETH LEOL,
CYMRU****LOCAL GOVERNMENT,
WALES****Rheoliadau Awdurdodau Lleol
(Lwfansau i Aelodau Cynghorau
Sir a Chynghorau Bwrdeistref
Sirol) (Pensiynau) (Cymru)
2003****The Local Authorities (Allowances
for Members of County and
County Borough Councils)
(Pensions) (Wales) Regulations
2003***Wedi'u gwneud**18 Tachwedd 2003**Made**18th November 2003**Yn dod i rym**1 Ionawr 2004**Coming into force**1st January 2004*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 18(3A), 3(D) a 3(G) o Ddeddf Llywodraeth Leol a Thai 1989(a) ac a freiniwyd bellach yn y Cynulliad Cenedlaethol yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999(b) i'r graddau y maent yn arferadwy yng Nghymru:

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 18(3A),(3D) and (3G) of the Local Government and Housing Act 1989(a) which are now vested in it by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999(b) so far as exercisable in Wales:

Enwi, cychwyn a chymhwysu

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Sir a Chynghorau Bwrdeistref Sirol) (Pensiynau) (Cymru) 2003 a deuant i rym ar 1 Ionawr 2004.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

Name, commencement and application

1.-(1) These Regulations are called the Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003 and they shall come into force on 1st January 2004.

(2) These Regulations apply to Wales only.

Dehongli**2. Yn y Rheoliadau hyn -**

ystyr "aelodau" ("*members*") yw cynghorwyr awdurdod gan gynnwys maer etholedig awdurdod sy'n gweithredu trefniadau gweithrediaeth gwahanol ar ffurf sy'n cynnwys maer etholedig;

ystyr "awdurdod" ("*authority*") yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

ystyr "lwfansau cyfrifoldeb arbennig" ("*special responsibility allowances*") yw lwfansau fel y'u diffinnir yn rheoliad 8 o

Interpretation**2. In these Regulations -**

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002(c);

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

"basic allowances" ("*lwfansau sylfaenol*") mean allowances as defined in regulation 7 of the 2002 Regulations;

(a) p.42. Mewnosodwyd is-adrannau (3A), (3D) a (3G) o adran 18 gan adran 99 o Ddeddf Llywodraeth Leol 2000 (p.22).

(b) O.S. 1999/672.

(a) c.42. Subsections (3A),(3D) and (3G) of section 18 were inserted by section 99 of the Local Government Act 2000 (c.22.)

(b) S.I. 1999/672.

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

Reoliadau 2002;

ystyr "lwfansau sylfaenol" ("*basic allowances*") yw lwfansau fel y'u diffinnir yn rheoliad 7 o Reoliadau 2002;

ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Sir a Chynghorau Bwrdeistref Sirol ac Awdurdodau Parciau Cenedlaethol) (Cymru) 2002(a).

"members" ("*aelodau*") means councillors of an authority including the elected mayor of an authority operating different executive arrangements which take a form which includes an elected mayor;

"special responsibility allowances" ("*lwfansau cyfrifoldeb arbenning*") mean allowances as defined in regulation 8 of the 2002 Regulations.

Pensiynau

3. -(1) Caiff awdurdod -

- (a) penderfynu pa aelodau o'r awdurdod sydd â'r hawl i bensiynau yn unol â Rheoliadau Cynlluniau Pensiwn Llywodraeth Leol 1997(b); a
- (b) darparu mewn perthynas â'r aelodau hynny y cyfeiriwyd atynt ym mharagraff (a) fod lwfansau sylfaenol a lwfansau cyfrifoldeb arbennig yn cael eu trin fel symiau y mae pensiynau yn daladwy mewn perthynas â hwy.

(2) Rhaid i awdurdod, wrth iddo wneud unrhyw benderfyniad yn unol â'r rheoliad hwn, wneud hynny yn unig ar gyfer aelod sydd wedi'i gymeradwyo'n gyntaf gan Banel Taliadau Annibynnol Cymru fel un sy'n gymwys i gael hawl o'r fath, o dan reoliad 5.

Panel Taliadau Annibynnol Cymru

4.-(1) Rhaid i Gynulliad Cenedlaethol Cymru benodi panel taliadau annibynnol dros dro, a elwir Panel Taliadau Annibynnol Cymru yn unol â'r Rheoliad hwn ar gyfer pob awdurdod.

(2) Rhaid i Banel Taliadau Annibynnol Cymru fodoli am gyfnod o chwe mis gan ddechrau o ddyddiad ei sefydlu gan Gynulliad Cenedlaethol Cymru.

(3) Rhaid i Banel Taliadau Annibynnol Cymru gynnwys o leiaf dri aelod a benodwyd gan Gynulliad Cenedlaethol Cymru gan gynnwys un aelod a benodwyd yn gadeirydd.

(4) Ni chaiff unrhyw un o'r aelodau a benodir yn unol â pharagraff (3) fod -

- (a) yn aelod o Gynulliad Cenedlaethol Cymru, Ty'r Cyffredin, Ty'r Arglwyddi, Senedd Ewrop, awdurdod, cyngor tref neu gyngor cymuned; neu
- (b) wedi'i anghymhwys(c) rhag bod neu ddod yn aelod o awdurdod ac eithrio fel swyddog sy'n

Pensions

3.-(1) An authority may -

- (a) determine which members of the authority are entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997(a); and
- (b) provide in respect of those members referred to in paragraph (a) that basic allowances and special responsibility allowances are treated as amounts in respect of which pensions are payable.

(2) An authority must in making any determination in accordance with this regulation only do so in respect of a member who has been first recommended by the Welsh Independent Remuneration Panel as eligible for such entitlement, under regulation 5.

Welsh Independent Remuneration Panel

4.-(1) The National Assembly for Wales must appoint a temporary independent remuneration panel known as the Welsh Independent Remuneration Panel in accordance with this Regulation in respect of all authorities.

(2) The Welsh Independent Remuneration Panel must exist for a period of six months commencing from the date of its establishment by the National Assembly for Wales.

(3) The Welsh Independent Remuneration Panel must consist of at least three members appointed by the National Assembly for Wales including one member appointed as the chairperson.

(4) None of the members appointed in accordance with paragraph (3) may be -

- (a) a member of the National Assembly for Wales, the House of Commons, the House of Lords, the European Parliament, an authority, a town or community council; or
- (b) disqualified (b) from being or becoming a member of an authority other than as an officer

(a) O.S. 2002/1895 (Cy.196).

(b) O.S. 1997/1612 fel y'i diwygiwyd gan O.S. 1997/1613, O.S. 1998/1238, O.S. 1999/1212, O.S. 1999/3438, O.S. 2000/3025, O.S. 2001/3649, O.S. 2001/770, O.S. 2001/1481, O.S. 2001/2401, O.S. 2002/206, O.S. 2002/819, O.S. 2003/2249. Mae diwygiadau eraill nad ydynt yn berthnasol i Gymru.

(c) *Gweler* Adran 80 o Ddeddf Llywodraeth Leol 1972 (p.70) ac adrannau 79 a 83(11) o Ddeddf Llywodraeth Leol 2000.

(b) S.I. 1997/1612, as amended by S.I. 1997/1613, S.I. 1998/1238, S.I. 1999/1212, S.I. 1999/3438, S.I. 2000/3025, S.I. 2001/3649, S.I. 2001/770, S.I. 2001/1481, S.I. 2001/2401, S.I. 2002/206, S.I. 2002/819, S.I. 2003/2249. There are other amendments which are not relevant to Wales.

(b) *See* Section 80 of the Local Government Act 1972 (c.70) and sections 79 and 83(11) of the Local Government Act 2000.

cael ei gyflogi gan awdurdod lleol.

(5) Rhaid i Gynulliad Cenedlaethol Cymru dalu'r treuliau y mae Panel Taliadau Annibynnol Cymru yn eu tynnu wrth gyflawni ei swyddogaethau a chaiff dalu aelodau'r panel y lwfansau neu'r treuliau y bydd yn penderfynu arnynt.

(6) Rhaid i Gynulliad Cenedlaethol Cymru drefnu bod cymorth gweinyddol priodol ar gael i Banel Taliadau Annibynnol Cymru.

Argymhellion Panel Taliadau Annibynnol Cymru

5.-(1) Rhaid i Banel Taliadau Annibynnol Cymru lunio adroddiad mewn perthynas â phob awdurdod, gan gyflwyno argymhellion ynghylch pa aelodau awdurdod a ddylai gael hawl i bensiynau yn unol â Rheoliadau Cynlluniau Pensiwn Llywodraeth Leol 1997.

(2) Caiff Panel Taliadau Annibynnol Cymru, wrth gyflawni ei swyddogaethau o dan baragraff (1), ofyn i unrhyw gorff neu berson am wybodaeth neu gyngor.

(3) Caiff Panel Taliadau Annibynnol Cymru gyflwyno gwahanol argymhellion ynglyn â phob un o'r awdurdodau y mae'n arfer ei swyddogaethau mewn perthynas â hwy.

Cyhoeddusrwydd ar gyfer argymhellion Panel Taliadau Annibynnol Cymru

6. -(1) Rhaid i Gynulliad Cenedlaethol Cymru anfon copi o'r adroddiad a wneir o dan reoliad 5(1) i bob awdurdod cyn gynted ag y bo'n rhesymol ymarferol ar ôl iddo gael yr adroddiad.

(2) Rhaid i Gynulliad Cenedlaethol Cymru:

- (a) cyhoeddi'r manylion am yr adroddiad a wneir o dan reoliad 5(1) mewn un neu ragor o bapurau newydd sy'n cylchredeg ledled Cymru; a
- (b) cynnwys yn y cyhoeddiad o dan is-baragraff (a) ddatganiad y bydd copïau o'r adroddiad ar gael i aelodau'r cyhoedd ym mhrif swyddfeydd yr awdurdodau ar yr adegau a bennir gan yr awdurdodau hynny.

(3) Rhaid i bob awdurdod sicrhau bod y canlynol yn cael ei wneud cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael adroddiad Panel Taliadau Annibynnol Cymru o dan reoliad 5(1):

- (a) bod copïau ar gael i'w harchwilio gan aelodau'r cyhoedd ym mhrif swyddfa'r awdurdod ar yr adegau rhesymol a bennir gan yr awdurdod; a
- (b) bod copi yn cael ei ddarparu i unrhyw berson sy'n gofyn amdano ac sy'n talu i'r awdurdod y ffi resymol y bydd yr awdurdod yn penderfynu arni.

in the employment of a local authority.

(5) The National Assembly for Wales must pay the expenses incurred by the Welsh Independent Remuneration Panel in carrying out its functions and may pay the members of the panel such allowances or expenses as it may determine.

(6) The National Assembly for Wales must make available to the Welsh Independent Remuneration Panel appropriate administrative support.

Recommendations of the Welsh Independent Remuneration Panel

5. -(1) The Welsh Independent Remuneration Panel must produce a report in relation to all authorities, making recommendations as to which members of an authority are to be entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997.

(2) The Welsh Independent Remuneration Panel may, in the performance of its functions under paragraph (1) seek information or advice from any body or person.

(3) The Welsh Independent Remuneration Panel may make different recommendations in relation to each of the authorities in respect of which it exercises its functions.

Publicity for recommendations of the Welsh Independent Remuneration Panel

6. -(1) The National Assembly for Wales must send a copy of the report made under regulation 5 (1) to each authority as soon as is reasonably practical after it receives the report.

(2) The National Assembly for Wales must:

- (a) publish the details of the report made under regulation 5 (1) in one or more newspapers circulating throughout Wales; and
- (b) include in the publication under subparagraph (a) a statement that copies of the report will be available at the principal offices of the authorities to members of the public at such times as may be specified by those authorities.

(3) Each authority must ensure that as soon as is reasonably practical after receiving the report of the Welsh Independent Remuneration Panel made under regulation 5 (1):

- (a) copies are available for inspection by members of the public at the principal office of the authority at such reasonable times as the authority may specify; and
- (b) a copy is supplied to any person who requests it and who pays the authority such reasonable fee as the authority may determine.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

18 Tachwedd 2003

18th November 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

OFFERYNNAU STATUDOL

2003 Rhif 2963 (Cy.280)

**LLYWODRAETH LEOL,
CYMRU**

Rheoliadau Awdurdodau Lleol
(Lwfansau i Aelodau Cynghorau
Sir a Chynghorau Bwrdeistref
Sirol) (Pensiynau) (Cymru)
2003

STATUTORY INSTRUMENTS

2003 No. 2963 (W.280)

**LOCAL GOVERNMENT,
WALES**

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

© Hawlfraint y Goron 2003

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

£2.00

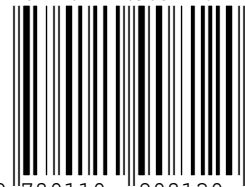
W153/11/03

ON

© Crown copyright 2003

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-090812-0



9 780110 908120