

EUROPEAN ASSEMBLY (PAY AND PENSIONS) ACT 1979

CHAPTER 50

ARRANGEMENT OF SECTIONS

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European Assembly (Pay and Pensions) Act 1979

1979 CHAPTER 50

An Act to make provision for the payment of salaries and pensions, and the provision of allowances and facilities, to or in respect of Representatives to the Assembly of the European Communities. [26th July 1979]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) A salary shall be payable to every Representative in accordance with this section. Salaries of Representatives.

(2) The yearly rate of the salary payable to a Representative for any period shall be—

(a) in the case of a period not within paragraph (b), the same as that of a Member's ordinary salary for that period;

(b) in the case of a period for which a salary is payable to him pursuant to any resolution or combination of resolutions of the House of Commons relating to the remuneration of Members, a rate equal to one-third of that of a Member's ordinary salary for that period.

(3) The salary payable under this section to a Representative shall be payable—

(a) in the case of a Representative elected at a general election of representatives to the Assembly, for the period beginning with the opening of the first session

of the Assembly following his election and ending with—

(i) the day before the opening of the first session of the Assembly following the next such general election; or

(ii) if he ceases to be a Representative before that day, his last day as a Representative;

(b) in the case of a Representative elected otherwise than at such a general election, for the period beginning with the day of his election and ending as mentioned in paragraph (a).

(4) The salary payable under this section to a Representative shall be payable in sterling monthly in arrears, the payments being made into such account at a bank in the United Kingdom as he may nominate for the purpose.

(5) If the rate of a Member's ordinary salary for any period is changed retrospectively, the yearly rates given for that period by subsection (2) shall change accordingly.

Allowances.

2.—(1) The Secretary of State may with the concurrence of the Treasury by order make provision with respect to the allowances and facilities which, in such circumstances and subject to fulfilment of such conditions as may be prescribed by the order, are to be available to Representatives in connection with the performance within the United Kingdom of their duties as Representatives.

(2) An order under this section may make different provision with respect to different circumstances.

(3) No order shall be made under this section unless a draft thereof has been laid before, and approved by resolution of, each House of Parliament.

Grants to Representatives losing their seats.

3.—(1) Where a person who is a Representative immediately before the end of any five-year period stood for election to the Assembly (whether for the same or a different constituency in the United Kingdom) at the general election of representatives to the Assembly held in that period and was not elected, he shall be entitled to a grant equal to three months' salary under section 1 as a Representative at the rate applicable to him immediately before the end of that period.

(2) In this section "five-year period" means a period of five years for which representatives have been elected to the Assembly; but if any such period is extended or curtailed, the references in subsection (1) to the end of that period shall be construed accordingly.

4.—(1) The Secretary of State may by order make provision Pensions with respect to the pensions which, subject to the fulfilment of such requirements and conditions as may be prescribed by the order, are to be or may be paid by the Treasury to or in respect of persons who have ceased to be Representatives.

(2) Any such provision shall include provision for the appointment of persons as managers to perform such functions in connection with the administration of provisions contained in orders under this section as may be conferred on them by any such order, and may include provision for the removal of managers so appointed.

(3) Without prejudice to the generality of subsection (1), an order under this section may

- (a) make provision as to the periods of service as a Representative which are to be taken into account for pension purposes ;
- (b) provide for deductions to be made by the Treasury from Representatives' salaries at a prescribed rate by way of contributions towards the cost of providing the pensions payable by virtue of this section ;
- (c) provide for transfer values to be paid or received by the Treasury ;
- (d) make the opinion, satisfaction or approval of the managers appointed in pursuance of subsection (2) material for the purposes of any provision of the order ;
- (e) make different provision with respect to different classes of persons and different circumstances ;
- (f) include transitional and other supplemental provisions ;
- (g) be made so as to have effect from a date before the making of the order.

(4) An order under this section may provide for any statutory provision relating to any matter connected with the pensions payable to or in respect of Members to have effect with respect to or in connection with Representatives, with such additions, omissions, amendments or other modifications as may be specified in the order.

In this subsection "statutory provision" means any provision contained in an Act or in any instrument made under an Act (including an Act or instrument passed or made after the passing of this Act).

(5) The Secretary of State shall from time to time lay before each House of Parliament a report on the operation of any provisions in force under this section.

(6) As regards such reports—

- (a) the first shall be so laid not more than five years after the coming into force of the first order made under this section;
- (b) each subsequent report shall be so laid not more than five years after the date by which the previous report was so laid; and
- (c) each report shall cover the period since the previous report or, in the case of the first report, since the coming into force of the first order under this section.

1971 c. 56.

(7) In Schedule 2 to the Pensions (Increase) Act 1971 (which specifies the pensions referred to in that Act as "official pensions"), after paragraph 3A there shall be inserted—

"European Assembly

3B. A pension payable under an order made under section 4 of the European Assembly (Pay and Pensions) Act 1979."

Salary for purpose of calculating pension benefits.

5.—(1) For the purpose of calculating the rate or amount of any pension payable by virtue of section 4 the yearly rate of the salary payable to a Representative under this Act for any period shall be regarded as being—

- (a) in the case of a period not within section 1(2)(b), the same as that of a Member's pensionable salary for that period;
- (b) in the case of a period within section 1(2)(b), a rate equal to one-third of that of a Member's pensionable salary for that period.

(2) If the rate of a Member's pensionable salary for any period is changed retrospectively, the yearly rates given for that period by subsection (1) shall change accordingly.

Provision for payment of block transfer value into another pension scheme.

6.—(1) At any time after he has made an order under section 4 the Secretary of State may by order direct that, on a specified date, there shall be paid into or for the purposes of a specified overseas fund or scheme a specified sum representing the aggregate value on that date of the accrued pension rights of all Representatives and other persons under the relevant pension provisions, excluding (if the order so provides) those of persons of any specified class.

(2) Before making an order under this section the Secretary of State shall consult with—

- (a) the managers appointed under the relevant pension provisions; and

(b) such persons representing the interests of Representatives and other persons having pension rights under the relevant pension provisions as he considers appropriate,

and shall not make such an order unless he has been informed by or on behalf of the persons administering the overseas fund or scheme in question that they are willing to accept the sum proposed to be specified in the order.

(3) For the purposes of this section the aggregate value on any date of the accrued pension rights mentioned in subsection (1) shall be taken to be such sum as for those purposes may be certified by the Government Actuary.

(4) In this section—

“overseas fund or scheme” means a fund or scheme which is established outside the United Kingdom or wholly or primarily administered outside the United Kingdom and which is approved by the Commissioners of Inland Revenue and the Occupational Pensions Board for the purposes of this section;

“the relevant pension provisions”, in relation to an order under this section, means all such provisions contained in orders made under section 4 as are in force when the order is made.

7.—(1) There shall be charged on and paid out of the Consolidated Fund— Expenses and receipts.

(a) all salaries payable under section 1;

(b) any grant payable under section 3;

(c) all pensions and other sums payable by the Treasury under the provisions of any order made under section 4 or of any enactment or instrument so far as it has effect with respect to or in connection with Representatives by virtue of such an order; and

(d) any sum directed to be paid as mentioned in subsection (1) of section 6 by an order under that section.

(2) Any sums required by a secondary Class 1 contributor for the purpose of paying any secondary Class 1 contributions which are payable by him in respect of an earner in consequence of the earner's employment in the office of Representative for the constituency of Northern Ireland shall be paid out of the Consolidated Fund of the United Kingdom.

Expressions used in this subsection and Part I of the Social Security (Northern Ireland) Act 1975 have the same meanings in this subsection as in that Part.

- (3) There shall be paid out of money provided by Parliament—
- (a) any expenses incurred by the Secretary of State in providing allowances or facilities in pursuance of any order made under section 2;
 - (b) any administrative expenses incurred by a government department in consequence of this Act; and
 - (c) any increase attributable to this Act in the sums payable out of money so provided under any other Act.
- (4) Any sums received by a government department in consequence of this Act shall be paid into the Consolidated Fund.

Interpretation
and orders.

8.—(1) In this Act—

“the Assembly” means the Assembly of the European Communities;

“constituency” means an Assembly constituency;

“Member” means a Member of the House of Commons;

“a Member’s ordinary salary” and “a Member’s pensionable salary” have the meaning given by section 3(6) of the Parliamentary and other Pensions Act 1972;

1972 c. 48.

“pension” includes a gratuity, and “pension rights” shall be construed accordingly;

“Representative” means a representative to the Assembly elected for a constituency in the United Kingdom.

(2) Every order under this Act shall be made by statutory instrument, and, unless made under section 2, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Short title and
extent.

9.—(1) This Act may be cited as the European Assembly (Pay and Pensions) Act 1979.

(2) This Act extends to Northern Ireland.

