

STATES OF JERSEY

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DRAFT NON-CONTRIBUTORY PENSIONS (REPEAL) (JERSEY) LAW 200

**Lodged au Greffe on 20th April 2004
by the Employment and Social Security Committee**

STATES GREFFE



Jersey

DRAFT NON-CONTRIBUTORY PENSIONS (REPEAL) (JERSEY) LAW 200

European Convention on Human Rights

The President of the Employment and Social Security Committee has made the following statement –

In the view of the Employment and Social Security Committee the provisions of the Draft Non-Contributory Pensions (Repeal) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator P.F. Routier**

REPORT

In 1951, the Insular Insurance Law came into force, and amongst other things, provided for an age pension to be paid to individuals dependant on the payment of contributions. At that time, the States agreed that a full pension could be paid if ten years of contributions were paid. (The 10 year period gradually increased as the scheme matured) It was recognised that a group of people would never be able to pay sufficient contributions into the Insular Insurance Scheme, because they were already close to reaching pension age. In 1954, the States formalised the protection of this group of people through the Non-Contributory Pension Law, which basically topped up a person's income to the level of an Insular Insurance Person. The basic criterion for the pension, over means testing, was that a person must have been over the age of 55 on 10th September 1951, that is born before 10th September 1896.

Obviously as time has passed, the number of people qualifying under this Law has dwindled from hundreds to none, and there cannot be any new claims. To receive the benefit a person must now be over 107 years old. The last claimant to a Non-Contributory Pension died in 2001.

The Employment and Social Security Committee is asking the States to repeal this piece of legislation which has served its purpose of protecting a dwindling out specific group of people over the past 50 years. The repeal of the legislation has no manpower or financial consequences.

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). In the view of the Employment and Social Security Committee the provisions of the Draft -Non Contributory Pensions (Repeal) (Jersey) Law 200- are compatible with the Convention.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 15th April 2004 the Employment and Social Security Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Employment and Social Security Committee the provisions of the Draft Non-Contributory Pensions (Repeal) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law repeals the Non-Contributory Pensions (Jersey) Law 1954 and the Non-Contributory Pensions (Extension of Provisions) (Jersey) Law 1973.



Jersey

DRAFT NON-CONTRIBUTORY PENSIONS (REPEAL) (JERSEY) LAW 200

A LAW to repeal the Non-Contributory Pensions (Jersey) Law 1954 and the Non-Contributory Pensions (Extension of Provisions) (Jersey) Law 1973.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Repeal

The following Laws shall be repealed –

- (a) Non-Contributory Pensions (Jersey) Law 1954;^[1]
- (b) Non-Contributory Pensions (Amendment) (Jersey) Law 1958;^[2]
- (c) Non-Contributory Pensions (Amendment No. 2) (Jersey) Law 1959;^[3]
- (d) Non-Contributory Pensions (Amendment No. 3) (Jersey) Law 1961;^[4]
- (e) Non-Contributory Pensions (Amendment No. 4) (Jersey) Law 1972;^[5]
- (f) Non-Contributory Pensions (Extension of Provisions) (Jersey) Law 1973^[6]

2 Citation and commencement

This Law may be cited as the Non-Contributory Pensions (Repeal) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

[1] *Recueil des Lois, Tome VIII, page 345.*

[2] *This Law is included in the amended reprint of the Non-Contributory Pensions (Jersey) Law 1954.*

[3] *This Law is included in the amended reprint of the Non-Contributory Pensions (Jersey) Law 1954.*

[4] *Recueil des Lois, Volume 1961-1962, page 69.*

[5] *Recueil des Lois, Volume 1970-1972, page 291.*

[6] *Recueil des Lois, Volume 1973-1974, page 193.*