

**DRAFT PUBLIC EMPLOYEES (CONTRIBUTORY
RETIREMENT SCHEME) (AMENDMENT No. 15) (JERSEY)
REGULATIONS 199**

**Lodged au Greffe on 2nd June 1998
by the Establishment Committee**



STATES OF JERSEY

STATES GREFFE

Explanatory Note

These Regulations, which would amend the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967, have the following effect:

- (a) Under the principal Regulations, a pension may be paid in respect of a child who is over 16 but under 23 if he is receiving full time education.

The amendments enable the pension to be paid between those ages even though he is not for the time being receiving full time education, if the Committee of Management is satisfied that it is still appropriate to treat him as a child (for example, if in the course of his studies he takes a “gap” year.)

They also enable the Committee to temporarily suspend payment of his pension benefit (again, for example, during a “gap” year).

These provisions are contained in Regulations 1 and 4 of the amending Regulations.

- (b) Retirement and widows’ pensions, under the principal Regulations, are currently subject to a deduction (sometimes described as the “£390 abatement”) to take account of old age pensions.

The amending Regulations abolish this deduction, effectively from 1st January 1996 as they also provide for the refund of deductions made from pensions since that date.

These provisions are contained in Regulations 2, 3, 6, 7, 8 and 9 of the amending Regulations.

- (c) The opportunity is also taken to propose minor “house-keeping” amendments to the principal Regulations, to distinguish Committees of Management more clearly from the Establishment Committee, and to describe more fully the basis on which pension rights accrue (for example, in the cases of

early retirement and deferred pensions). These amendments are presentational only and do not effect substance of the principal Regulations. They are contained in Regulations 3 and 5 of the amending Regulations.

Subject to (b) above, the amendments will come into force on 1st July 1998.

Public Employees (Retirement) (Jersey) Law 1967

**PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME)
(AMENDMENT No. 15) (JERSEY) REGULATIONS 1998**

(Promulgated on the day of 199)

STATES OF JERSEY

The day of 199

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967,¹ as amended,² have made the following Regulations -

1. For clause (ii) of the proviso to the definition “child” in paragraph (1) of Regulation 1 of the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967,³ as amended⁴ (hereinafter referred to as “the principal Regulations”) there shall be substituted the following clause -

“(ii) a person who has attained the age of 16 years may be treated as a child for the purposes of these Regulations if he has not attained the age of 23 years, and either he is receiving full-time education in an educational establishment approved by the Committee of Management, or he is not receiving full-time education but the Committee of Management is satisfied that it remains appropriate to treat him as a child for the purposes of these Regulations;”.

¹ Recueil des Lois, Volume 1966-1967, page 528.

² Recueil des Lois, Volume 1988-1989, page 25 and Volume 1994-1995, pages 121 and 427.

³ No. 5010.

⁴ Nos. 7225, 7718, 7679, 7848, 7957, 8447, 8808 and 8886.

2.-(1) For paragraphs (2) and (2A) of Regulation 6 of the principal Regulations there shall be substituted the following paragraphs -

“(2) Subject to paragraph (2A), the annual rate of retirement pension shall be calculated as 1/60th of the contributory member’s average salary for each year of service (calculated in completed years plus one-twelfth of a year for each completed month in the final part-year up to the date of leaving service, or the date of attaining normal retiring age if earlier, plus any completed years of service between the date of attaining normal retiring age and the date of leaving service if later), subject to a maximum of 45 years of service.

(2A) In calculating the number of completed years of service, no account shall be taken of any service in respect of which a refund or a transfer value has been paid under Regulation 11, or under Regulation 14 of these Regulations before its repeal by the Public Employees (Contributory Retirement Scheme) (Amendment No. 11) (Jersey) Regulations 1989.”.

(2) Paragraph (6) of Regulation 6 of the principal Regulations shall be revoked.

3.-(1) For sub-paragraph (a) of paragraph (1) of Regulation 7 of the principal Regulations there shall be substituted the following sub-paragraph -

“(a) had not yet retired from the service of the States but had completed ten or more years service; or”.

(2) For the words “, but who” in sub-paragraph (c) of paragraph (1) of Regulation 7 of the principal Regulations there shall be substituted the words “from the service of the States and”.

(3) After the words “ this Regulation refers” in sub-paragraph (a) of paragraph (2) of Regulation 7 of the principal

Regulations there shall be inserted the words “(a member who dies in service)”.

(4) In sub-paragraph (aa) of paragraph (2) of Regulation 7 of the principal Regulations -

(a) after the words “this Regulation refers” there shall be inserted the words “(a member who dies after retirement)”;

(b) in clause (i) -

(i) after the words “where the member” there shall be inserted the words “, having retired at or after normal retiring age,”;

(ii) after the words “paragraph (1) of Regulation 6 of these Regulations” there shall be inserted the words “or, having retired from the service of the States before normal retiring age and lived to attain normal retiring age, had been receiving a retirement pension by virtue of Regulation 10 of these Regulations”;

(c) after the words “where the member” in clause (ii) there shall be inserted the words “, having retired early because of ill health,”;

(d) for the words “by virtue of” in clause (iii) there shall be substituted the words “, having retired early in accordance with”;

(e) for the colon in and the proviso to clause (iii) there shall be substituted a semi-colon.

(5) After the words “this Regulation refers” in sub-paragraph (b) of paragraph (2) of Article 7 of the principal Regulations there shall be inserted the words “(a member who dies during the period his pension is deferred)”.

(6) In paragraph (2) of Regulation 7 of the principal Regulations all the words following sub-paragraph (b) of that paragraph shall be deleted.

(7) In paragraph (4) of Regulation 7 of the principal Regulations the word “and” shall be deleted.

4. After paragraph (2) of Regulation 8 of the principal Regulations there shall be inserted the following paragraph -

“(3) Notwithstanding paragraph (1) or (2) of this Regulation -

- (a) if the child is not for the time being receiving full-time education but the Committee of Management, having considered such evidence as is provided by or on behalf of the child, is satisfied that he is expected to resume or receive full-time education in the future, the Committee of Management may suspend payment of the child’s benefit temporarily;
- (b) a decision made under sub-paragraph (a) may be varied in the light of further evidence; and
- (c) the Committee of Management may from time to time request in respect of a child who has attained the age of 16 years further evidence regarding his full-time education, and if such evidence is not supplied or is not in the opinion of the Committee of Management satisfactory, the child’s benefit may be withheld.”.

5. In the provisos to paragraphs (1) and (2) of Regulation 9 of the principal Regulations, after the word “Committee” there shall be inserted in each case the words “of Management”.

6. For paragraph (b) of Regulation 17A of the principal Regulations there shall be substituted the following paragraph -

“(b) the annual rate of retirement pension shall be calculated as 1/45th of the officer’s average salary for each year of service (calculated in completed years plus one-twelfth of a year for each completed month in the final part-year up to the date of leaving service, or the date of attaining normal retiring age if earlier, plus any completed years of service between the date of attaining normal retiring age and the date of leaving service if later), subject to a maximum of 35 years of service, and paragraph (2) of Regulation 6 shall be amended accordingly;”.

7.-(1) For sub-paragraph (c) of paragraph (1) of Regulation 18 of the principal Regulations there shall be substituted the following sub-paragraph -

“(c) the annual rate of retirement pension shall be calculated as 1/45th of the member’s average salary for each year of service (calculated in completed years plus one-twelfth of a year for each completed month in the final part-year up to the date of leaving service, or the date of attaining normal retiring age if earlier, plus any completed years of service between the date of attaining normal retiring age and the date of leaving service if later), subject to a maximum of 35 years of service, and paragraph (2) of Regulation 6 shall be amended accordingly;”.

(2) For sub-paragraph (c) of paragraph (2) of Regulation 18 of the principal Regulations there shall be substituted the following sub-paragraph -

“(c) the annual rate of retirement pension shall be calculated as 1/45th of his average salary for each year of service (calculated in completed years plus one-twelfth of a year for each completed month in the final part-year up to the date of leaving service, or the date of attaining normal retiring age if earlier, plus any completed years of service between the date of attaining normal retiring age and the date of

leaving service if later), subject to a maximum of 35 years of service, and paragraph (2) of Regulation 6 shall be amended accordingly;”.

8. For sub-paragraph (a) of paragraph (2) of Regulation 19B of the principal Regulations there shall be substituted the following sub-paragraph -

“(a) the Transitional Regulations shall have effect as if, on the day they came into force, they had amended these Regulations (as in effect on that day) by removing the deduction from benefits in respect of the abatement figure (as defined in paragraph (6) of Regulation 6 of these Regulations immediately before 1st July 1998) (that is to say immediately before the revocation of that paragraph by Regulation 2(2) of the Public Employees (Contributory Retirement Scheme) (Amendment No. 15) (Jersey) Regulations 1998) in relation to any member to whom the Transitional Regulations apply;”.

9. After Regulation 19C of the principal Regulations there shall be inserted the following Regulation -

**“TRANSITIONAL PROVISIONS IN RELATION TO
REMOVAL OF ABATEMENT DEDUCTION.**

19D. In the case of a pensioner who has been in receipt of a pension which was subject to the deduction from benefits in respect of the abatement figure (as defined in paragraph (6) of Regulation 6 immediately before 1st July 1998, that is to say immediately before the revocation of that paragraph by Regulation 2(2) of the Public Employees (Contributory Retirement Scheme) (Amendment No. 15) (Jersey) Regulations 1998) for each year of service, or a widow who has been in receipt of a pension which was before 1st July 1998 subject to a deduction on the same basis -

(a) from 1st July 1998 the deduction shall cease; and

- (b) there shall be refunded to that pensioner or widow the total of the amounts so deducted on or after 1st January 1996.”.

10. These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (Amendment No. 15) (Jersey) Regulations 1998 and shall come into force on the first day of July 1998.

CORRIGENDUM

P.120/98 Draft Public Employees (Contributory Retirement Scheme) (Amendment No. 15) (Jersey) Regulations 199

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For the word "Article" in paragraph (5) of Regulation 3 there shall be substituted the word "Regulation".