

**DRAFT PUBLIC EMPLOYEES (CONTRIBUTORY  
RETIREMENT SCHEME) (GENERAL) (AMENDMENT No. 6)  
(JERSEY) REGULATIONS 199**

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

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**STATES OF JERSEY**

**STATES GREFFE**

## **Explanatory Note**

These Regulations, which amend the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, would have the following effect:

*Regulation 1* provides that if an employer declares an allowance to be a pensionable allowance for the purposes of the Former Hospital Scheme Regulations, the Existing Members Regulations or the New Members Regulations, the periodic actuarial review shall take into account any consequential adjustments to employers' and employees' contributions.

This Regulation will be deemed to have come into force on 1st January 1996.

*Regulation 2* provides that on the application of an employer that replaces a department or part of a States Department, the Establishment Committee (after consulting the Committee of Management of the pensions scheme and the actuary) may admit its employees as members. Those employees who were previously members of the scheme under the 1967 Regulations, the Former Hospital Scheme Regulations or the Existing Members Regulations will continue to be members on that basis. Those who were not will be admitted under the New Members Regulations.

Regulation 2 also enables an employer who has otherwise taken over the employment of members of the scheme (for example, a subsidiary of a corporate body that takes over a States function) to apply for the employees to be admitted to the scheme. In this case, the admission of those employees under the 1967 Regulations, Former Hospital Scheme Regulations or Existing Members Regulations will be subject to the decision of the Establishment Committee, acting in consultation with the Committee of Management, that it is justifiable. If they are not admitted on such a basis, they will become members under the New Members Regulations.

Regulation 2 will come into force on 1st July 1998.

**Public Employees (Retirement) (Jersey) Law 1967**

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PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME)  
(GENERAL) (AMENDMENT No. 6) (JERSEY) REGULATIONS 1998

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*(Promulgated on the      day of      199 )*

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**STATES OF JERSEY**

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The      day of      199

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**THE STATES**, in pursuance of Articles 2 and 4 of the Public Employees (Retirement) (Jersey) Law 1967,<sup>1</sup> as amended,<sup>2</sup> have made the following Regulations -

1.-(1) For the word “The” in paragraph (1) of Regulation 6 of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989<sup>3</sup>, as amended<sup>4</sup> (hereinafter referred to as “the principal Regulations”), there shall be substituted the words “Subject to paragraph (4), the”.

(2) After paragraph (3) of Regulation 6 of the principal Regulations there shall be inserted the following paragraph -

“(4) If a payment or allowance has been declared by the employer to be a pensionable allowance under Regulation 15A of the Former Hospital Scheme Regulations, Regulation 16A of the 1989 Existing Members Regulations or Regulation 16A of the 1989 New Members Regulations, any adjustment to the employers’ contribution rate arising from the declaration and any additional contributions being paid as a result of the

<sup>1</sup> Recueil des Lois, Volume 1966-1967, pages 528 and 531.

<sup>2</sup> Recueil des Lois, Volume 1988-1989, pages 25 and 26 and Volume 1994-1995, pages 121 and 427.

<sup>3</sup> No. 7956.

<sup>4</sup> Nos. 8210, 8313, 8446, 8705 and 8805.

declaration shall be taken into account in the Actuary's review, whether or not the Regulations have been amended to specify the adjusted rate or additional contributions.”.

2.-(1) After the words “sub-paragraph (c)” in sub-paragraph (b) of paragraph (1) of Regulation 8 of the principal Regulations there shall be inserted the words “and to paragraph (1A)”.

(2) After clause (iii) of sub-paragraph (b) of paragraph (1) of Regulation 8 of the principal Regulations there shall be inserted the following clauses -

“(iiiA) has replaced a department or part of a department administered by a Committee of the States; or

(iiiB) has otherwise taken over the employment of any employees who are members of the scheme; or”.

(3) After paragraph (1) of Regulation 8 of the principal Regulations there shall be inserted the following paragraphs -

“(1A) If -

(a) an employer who has replaced a department or part of a department administered by a Committee of the States applies, under sub-paragraph (b) of paragraph (1), for the admission of employees to participate in the scheme; or

(b) an employer who has otherwise taken over the employment of any employees who are members of the scheme applies under sub-paragraph (b) of paragraph (1) for their admission to participate in the scheme, and the Establishment Committee in consultation with the Committee decides that the manner in which their employment has been taken over is a justifiable reason for this paragraph to apply,

the following provisions shall apply to such of those employees as were employed by that employer on the effective date of the application and were members of the scheme immediately before the replacement or taking over -

- (i) notwithstanding the requirement in sub-paragraph (b) of paragraph (1) that employees are to be admitted under that sub-paragraph to participate in the scheme as members to whom the 1989 New Members Regulations apply, those employees shall be admitted under sub-paragraph (b) of paragraph (1) as members under the Regulations that applied to them immediately before the replacement or taking over;
- (ii) they shall for the purposes of the Law be deemed to have been employed, by the employer making the application, immediately before the replacement or taking over; and
- (iii) accordingly, the re-admission provisions in the Regulations that so applied to them shall not, by reason only of the replacement or taking over, be applicable to them.

(1B) In paragraph (1A), ‘the effective date of the application’ means the date on which it is made, or such other date as may be agreed between the employer and the Establishment Committee, after the latter has consulted the Committee.”.

(4) After the words “the Establishment Committee may” in paragraph (2) of Regulation 8 there shall be inserted the words “(subject, if the provisions of paragraph (1A) apply, to the agreement of the Committee)”.

3.-(1) These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 6) (Jersey) Regulations 1998.

(2) Regulation 1 shall be deemed to have come into force on the first day of January 1996.

(3) Except as provided in paragraph (2), these Regulations shall come into force on the first day of July 1998.