

STATES OF JERSEY

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DRAFT PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME) (NEW MEMBERS) (AMENDMENT No. 12)(JERSEY) REGULATIONS 200

**Lodged au Greffe on 9th August 2007
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME) (NEW MEMBERS) (AMENDMENT No. 12)(JERSEY) REGULATIONS 200

REPORT

The Chief Minister is promoting an amendment to the Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989 and the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989.

Regulation 1 includes the interpretation of 'salary' which has been amended to ensure clarity regarding what is the pensionable salary or basic wage of a member.

Regulation 18 covers 'pensionable allowances' as declared by the employer has also been redrafted to improve clarity and precision.

There are no financial or manpower implications for the States arising from these Draft Regulations.

Explanatory Note

Regulation 1 amends the definition of “salary” in Regulation 1 of the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989.

The definition is amended, so that, firstly, overtime payments shall not be part of an employee’s salary for the purposes of the Law (even if such payments could be classified as emoluments of a permanent nature) and nor can they be declared to be “pensionable allowances” under Regulation 18 (and thus come within the definition of “salary”).

Secondly, the definition is amended so that extra hours payments, stand-by payments and call-out payments shall not be part of an employee’s “salary” for the purposes of the Law, unless the employer has declared the payments to be pensionable allowances under Regulation 18(1).

Regulation 2 amends Regulation 18(1) of those Regulations so that overtime payments may not be declared to be a pensionable allowance, whether or not such payments could be classified as emoluments of a permanent nature.

The Regulations shall come into force 7 days after they are made.



Jersey

DRAFT PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME) (NEW MEMBERS) (AMENDMENT No. 12)(JERSEY) REGULATIONS 200

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967^[1], have made the following Regulations –

1 Regulation 1 amended

In Regulation 1 of the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989^[2], for the definition “salary” there shall be substituted the following definition –

“ ‘salary’ means the basic salary or wage of a member, together with the member’s pensionable allowances, if any, but does not include –

- (a) overtime payments;
- (b) payments of a temporary nature;
- (c) payments in respect of untaken leave; or
- (d) extra hours payments, stand-by payments, call-out payments, or any other payment, unless the employer has declared the payments to be a pensionable allowance under Regulation 18(1);”.

2 Regulation 18 amended

In Regulation 18(1) of the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989, for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs –

- “(a) any overtime payment;
- (b) any payment of a temporary nature; or
- (c) any payment in respect of untaken leave.”.

3 Citation and commencement

- (1) These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 12) (Jersey) Regulations 200.
- (2) These Regulations shall come into force 7 days after they are made.

[1]

chapter 16.650

[2]

chapter 16.650.60