

**DRAFT PUBLIC EMPLOYEES (CONTRIBUTORY  
RETIREMENT SCHEME) (TRANSITIONAL PROVISIONS)  
(JERSEY) REGULATIONS, 1987.**

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**Lodged au Greffe on 30th June, 1987  
by the Establishment Committee.**

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**STATES OF JERSEY**

**STATES GREFFE**

**Report.**

1. As explained in paragraphs 27 and 28 of the Establishment Committee's Report to the States on pensions (P.123/87), the Establishment Committee has undertaken to advise the States to make Regulations providing that three of the agreed changes to the pension scheme should be brought into effect from 3rd December, 1986. If the States have adopted the proposition of the Establishment Committee to endorse the proposed alterations, the House will be asked to pass these Transitional Regulations.
2. Regulation 1(1) associates these Transitional Regulations with the existing Regulations.
3. The second definition in Regulation 1(2) confines the benefit of the changes to those who were in the employ of the States on 2nd December, 1986 and who continued to be employed after that date.
4. Regulation 2 allows those who are still in the Service but who retire before the end of 1987 to have the benefit of the three changes to the pension scheme being brought into immediate effect, as explained in paragraphs 27 and 28 of the main Report (P.123/87). Regulation 3 gives the same opportunity to someone who retired on or after 3rd December, 1986 but before the date on which these Regulations come into effect. Regulation 4 provides that if someone retired after 2nd December, 1986 but died before he had a chance to choose to serve under the Transitional Regulations, he shall nonetheless be given the benefit of them if it would be in the interest of his family or estate to do so. Regulation 5 makes a similar provision in respect of someone who dies after the Regulations are made but before the end of 1987.
5. Regulation 6 applies these Transitional Regulations to a member of staff who has elected to come under them or is by the provisions just discussed deemed to have made such an election and sets a time limit. The Transitional Regulations will cease to have full effect at the end of 1987, when the proposed new arrangements will be brought into full effect.
6. Regulation 7 sets out how elections under the Transitional Regulations are to be made. By Regulation 7(b), those who are

already receiving pensions are given one month after the passing of the Regulations to claim their right to be treated under them. By Regulation 7(c), a member of staff who will be retiring during 1987 who wishes to opt to come under these Regulations before he actually retires will be required to do so.

7. Regulation 8 makes, in respect of those to whom these Transitional Regulations apply, the changes in the pension scheme which are to come into effect from 3rd December, 1986. Regulation 8(1) changes the base period for the calculation of pensions. As explained in paragraph 1(a) of Annex III to the main Report, pensions will be based on the salary of the best 365 days in the last three years of service, instead of on the average salary of the last three years of service. Regulation 8(2) changes the qualifying period for entitlement to a pension from ten years to five years so that, as explained in paragraph 26 of the main Report, widow's pension will be payable in respect of anyone dying in service during the course of 1986 who had at the date of his death more than five years' but less than ten years' service (and whose widow would thus not be entitled to a pension under the old Regulations but would be so entitled under the new Regulations). Regulation 8(3) brings into effect, for those becoming entitled to pension on or after 3rd December, 1986, the provisions for commuting part of the pension for an immediate lump sum explained in paragraph 1(d) of Annex III to the main Report.
8. Regulation 9 provides that these Transitional Regulations shall come into force on promulgation, namely on the day after approval by the States.

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

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**PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT  
SCHEME) (TRANSITIONAL PROVISIONS)  
(JERSEY) REGULATIONS, 1987.**

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*(Promulgated on the day of , 198 .)*

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**STATES OF JERSEY.**

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The day of , 198 .

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**WHEREAS** there is in existence a Scheme to provide pensions for certain public employees;

**WHEREAS** the States intend to amend that Scheme by the introduction of new provisions;

**WHEREAS** those amendments cannot be fully brought into force until 1988;

**WHEREAS** it is desirable that some of those amendments should have effect as from the third day of December, 1986, being the day after the date on which agreement on those amendments was reached between representatives of the States and the employees;

**NOW THEREFORE THE STATES**, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law, 1967,<sup>1</sup> have made the following Regulations -

<sup>1</sup> Recueil des Lois, Volume 1966-1967, page 528.

1.-(1) These Regulations shall be construed as one with the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations, 1967, as amended,<sup>2</sup> hereinafter referred to as "the principal Regulations".

(2) In these Regulations -

"the effective date" means the date of the coming into force of these Regulations;

"member" means a contributory member who was an employee of the States before 2nd December, 1986 and who continued to be so employed after that date.

2. Where a member becomes entitled to receive a retirement pension on or after the effective date but before 1st January, 1988, he may elect, in accordance with the provisions of Regulation 7 of these Regulations, that these Regulations shall apply to him.

3. Where a member became entitled to receive a retirement pension after 2nd December, 1986, but before the effective date, he may elect that these Regulations shall apply to him and, in such case, the Committee shall apply these Regulations to him as from the date on which he became so entitled in accordance with such advice as the actuary shall specify as appropriate to the particular case.

4. Where a member became entitled to receive a retirement pension after 2nd December, 1986, but died before the effective date or within one month thereafter without having made an election under these Regulations, he shall be deemed to have made such an election if, in accordance with advice which the Committee shall obtain from the actuary, it would be in the interests of the member's family or estate.

5. A member who dies in service before 1st January, 1988, shall be deemed to have made an election under these Regulations if, in accordance with advice which the Committee shall obtain from the actuary, it would be in the interests of the member's family or estate.

6. Where a member has made an election, or is deemed to have made an election under these Regulations, these Regulations shall apply to him until 1st January, 1988.

7. An election made under these Regulations shall be made -

- (a) on a form provided for that purpose by the Committee;
- (b) within one month next following the effective date in respect of members to whom a retirement pension was payable between 3rd December, 1986 and the effective date;
- (c) before the date of retirement in respect of all other members.

8.-(1) In respect of any member to whom these Regulations apply, the principal Regulations shall be amended in paragraph (1) of Regulation 1, by deleting in the definition of "average salary", the words "average of the annual" and by substituting for the words "three years" the words "best successive 365 days in the three years".

(2) In respect of any member to whom these Regulations apply and who dies during 1987, the principal Regulations shall be amended by substituting in sub-paragraph (a) of paragraph (1) of Regulation 7, for the word "ten" the word "five".

(3) In any case where a member to whom these Regulations apply, becomes entitled to receive a retirement pension he may exchange up to a maximum of one-quarter of the annual amount of his annual pension for a lump sum payment, in which case for each one pound of the pension the sum of nine pounds shall be payable.

9. These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (Transitional Provisions) (Jersey) Regulations, 1987, and shall come into force forthwith on promulgation.