

Jersey Law 11/1967

PUBLIC EMPLOYEES (RETIREMENT) (JERSEY) LAW, 1967.

A LAW to make provision for the retirement of, and for the payment of pensions and other benefits to or in respect of, certain employees and for matters connected therewith, sanctioned by Order of Her Majesty in Council of the

8th day of JUNE. 1967.

(Registered on the 30th day of June, 1967).

STATES OF JERSEY.

The 28th day of February, 1967.

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

ARTICLE 1

INTERPRETATION

In this Law, unless the context otherwise requires –

“actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;

“the Committee” means the Establishment Committee;

“contributory member” means a person who is, or has at any time been, employed by the States and admitted to participate in a scheme which provides for the payment of pensions and other benefits;

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“the fund” has the meaning assigned to it by paragraph (2) of Article 2 of this Law;

“prescribed” means prescribed by a scheme;

“public utility” includes any electricity, gas, transport or water undertaking which is not a statutory undertaking;

“scheme” means a scheme made under Article 2 of this Law;

“statutory undertaking” means any undertaking exercising its powers under an enactment conferring such powers specifically on that particular undertaking.

ARTICLE 2

PROVISIONS AS TO SCHEMES

(1) The States shall by Regulations make schemes to provide generally for the retirement from office of persons in the employment of the States and a scheme may make provision for the payment, at the prescribed rates, or calculated in the prescribed manner, of pensions and other benefits to such persons, their widows and other dependants.

(2) Where a scheme makes provision for the payment of pensions and other benefits as aforesaid, the scheme –

- (a) shall provide for the establishment of a pensions fund (hereinafter referred to as “the fund”) for the purposes of the scheme;
- (b) shall prescribe the terms and conditions on which persons shall be admitted as contributory members;
- (c) shall prescribe the contributions to be made to the fund by the States and by contributory members;

- (d) shall, except in the case of a person to whom a reciprocal arrangement applies, provide that a person who ceases to be a contributory member before he becomes entitled to receive a pension or other benefit under the scheme shall be entitled to receive a sum equal to the aggregate amount of his contributions to the fund, together with compound interest thereon calculated to the date on which he ceased to be a contributory member at such rate, not being a rate less than three per centum per annum with half-yearly rests, as may be specified in the scheme ;
- (e) may make provision for entering into reciprocal arrangements with other employers ;
- (f) may make different provisions for different classes of contributory members ;
- (g) may provide generally for the administration of the scheme.

ARTICLE 3

MANAGEMENT OF THE FUND

- (1) There shall be paid into the fund –
 - (a) the amounts of all contributions made by virtue of subparagraph (c) of paragraph (2) of Article 2 of this Law ;
 - (b) any dividends or interest arising out of the investment of the fund or any part thereof, and any capital sums resulting from the realisation of any such investments ;
 - (c) any amounts received by way of transfer values ;
 - (d) any amounts received in pursuance of an actuary's certificate under the provisions of paragraph (2) of Article 4 of this Law ;

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(e) any other sums which the States may become liable to contribute to the fund.

(2) The moneys forming part of the fund shall be applied in payment of pensions and other benefits under a scheme, and for meeting the expenses of administering the scheme, and any such moneys which are not for the time being required for those purposes may be invested by the Treasurer of the States, in accordance with the directions of the Finance Committee, in any of the following securities, that is to say –

- (a) loans issued by the States ;
- (b) securities issued by Her Majesty's Government in the United Kingdom ;
- (c) securities the payment of interest on which is guaranteed by Her Majesty's Government in the United Kingdom ;
- (d) fixed-interest securities issued in the United Kingdom by the government of any overseas territory within the Commonwealth ;
- (e) such securities, or securities of such class, as the States, on the recommendation of the Finance Committee, may approve.

(3) An actuary, appointed for the purpose by the Committee, shall review the operation of the fund during the period ending with the thirty-first day of December next following the expiration of five years from the commencement of this Law, and thereafter, during the period ending with the thirty-first day of December in every fifth year and, on each such review, the actuary shall make a report to the Committee on the financial condition of the fund and the adequacy or otherwise of the contributions payable by virtue of this Law to support the pensions and other benefits payable under the scheme.

(4) The Committee may at any other time obtain an actuarial review and report under paragraph (3) of this Article.

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(5) A copy of every report under paragraph (3) or (4) of this Article shall be laid before the States as soon as may be after it is made.

(6) Where by any review and report under paragraph (3) or (4) of this Article a deficiency or disposable surplus is disclosed, the Committee shall, when laying the report before the States in accordance with paragraph (5) of this Article or, within the three months immediately thereafter, submit to the States proposals for making good the deficiency or, as the case may be, for disposing of the surplus.

ARTICLE 4

POWER TO EXTEND APPLICATION OF SCHEME

(1) The Committee, on the application of an employer who

- (a) is a parochial authority ; or
- (b) is a statutory undertaking ; or
- (c) is a public utility ; or
- (d) not being one of the foregoing, satisfies the Committee that persons employed by him are employed wholly in work of a nature which might properly be undertaken by contributory members ;

may recommend to the States that persons in the employment of the employer shall be admitted to participate in a scheme making provision for the payment of pensions and other benefits, and the States may by Act so admit such persons, on such terms and subject to such conditions as may be specified in the Act.

(2) The Committee, before making a recommendation under paragraph (1) of this Article, shall cause to be obtained from an actuary a certificate as to the amounts to be contributed by way of

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payment of superannuation contributions and of interest thereon or, as the case may be, such sum calculated to be equivalent thereto, as well as the amounts to be contributed annually thereafter, to the fund by the employer in respect of his employees admitted to participate in the scheme, and the Committee, when making a recommendation as aforesaid, shall inform the States of the amounts so certified, and, where the States accept the recommendation, a condition requiring the payment of the amounts so certified shall be included in the Act admitting those employees to participate in the scheme.

(3) An Act under paragraph (1) of this Article may make such additions to, and modifications of, a scheme as may be necessary in connexion with the admission of the persons to whom the Act applies to participate in the scheme :

Provided that no such addition or modification shall adversely affect the entitlement under the scheme of any person who was a contributory member or his widow or other dependant immediately before the coming into effect of the Act.

(4) Where, under paragraph (1) of this Article, persons are admitted to participate in a scheme –

- (a) the definition of “contributory member” in Article 1 of this Law shall be construed as including those persons ;
- (b) the reference, in sub-paragraph (c) of paragraph (2) of Article 2 of this Law, to the States shall be construed as a reference to the employer of such persons.

ARTICLE 5

AMENDMENT OF CIVIL SERVICE ADMINISTRATION (JERSEY) LAW, 1948

(1) In Article 3 of the Civil Service Administration (Jersey) Law, 1948,¹ as amended, for the words “in relation to established

¹ Tome 1946–1948, page 460.

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members of the civil service” there shall be substituted the words “in relation to members of the civil service whether established or unestablished”.

(2) Any Rules made under the provisions of the said Article 3 and in force at the commencement of this Law shall continue in force and have effect as if they had been made under those provisions as amended by this Law.

ARTICLE 6

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Public Employees (Retirement) (Jersey) Law, 1967.

(2) This Law shall come into force on such day as the States may by Act appoint.

A.D. LE BROCCQ,

Greffier of the States.