

Jersey Law 21/1979

TEACHERS' SUPERANNUATION (JERSEY) LAW, 1979.

A LAW to make new provisions in relation to pensions and other similar benefits payable to, and in respect of, teachers and certain other persons employed in connexion with the provision of educational services; to treat as having applied to the Bailiwick certain principal and subordinate enactments of the Parliament of the United Kingdom relating to the matters aforesaid; to provide for the consequential repeal of certain insular enactments; and for connected purposes, sanctioned by Order of Her Majesty in Council of the

23rd day of MAY, 1979.

(Registered on the 3rd day of August, 1979).

STATES OF JERSEY.

The 19th day of September, 1978.

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 –

“the Committee” means the Education Committee;

“pension” includes allowance or gratuity;

“prescribed” means prescribed by Order of the Committee under this Law.

ARTICLE 2

PROVISION OF PENSIONS

(1) The Committee shall, by Order, prescribe the pensions which, subject to the fulfilment of such requirements and conditions as shall be prescribed, are to be, or may be, paid by the Committee to or in respect of teachers and shall prescribe the means by which the cost of providing the pensions is to be defrayed, including the contributions or other payments to be made by teachers and their employers.

(2) Without prejudice to the generality of paragraph (1) of this Article, Orders made under this Article may –

- (a) provide for the Committee to enter into reciprocal arrangements with other employers and to pay and receive transfer values or, in lieu thereof, to transfer or receive any fund or part of a fund or policy of insurance;
- (b) provide for reckoning in respect of a teacher any service in employment or as the holder of an office in respect of which a pension is not payable under this Law as service in respect of which a pension is payable, either unconditionally or subject to such conditions as may be prescribed and either as respects the whole of the service or such fraction thereof as may be so prescribed;
- (c) prescribe the circumstances in which prescribed contributions, or any part thereof, paid by a teacher may be repaid with or without interest;
- (d) secure that where –
 - (i) provision is made by Order for the payment to or in respect of a teacher of a pension in consequence of their having become incapacitated, or having died, as

a result of an injury sustained, or disease contracted in prescribed circumstances; and

- (ii) any damages in respect of the injury, disease or death in consequence of which the pension is paid or recovered by or on behalf of the person to whom the pension is paid;

the amount of any payments made to that person in respect of the pension before the right to, or amount of, such damages is finally determined, or such part of these payments as may be prescribed, may be recovered from that person in such circumstances and subject to such conditions as may be prescribed;

- (e) authorise the payment, without probate or other proof of title, of any sum due under such an Order in respect of a person who has died to the person charged with the administration of his property or such other person as may be prescribed;
- (f) render void any assignment of, or charge on, or any agreement to assign or charge, any pension payable under such an Order, and provide that on the bankruptcy of any person entitled to such a pension no part thereof shall pass to any other person except on the order of a court made in pursuance of a prescribed enactment or a prescribed provision of customary law;
- (g) provide for the determination of any question arising under such an Order and for any decision which falls to be taken by the Committee in accordance with the Order to be final;
- (h) confer on such persons as may be prescribed such functions as the Committee considers necessary or expedient for the purposes of, such an Order;

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- (j) repeal or amend any enactment which is inconsistent with, or has become unnecessary or requires modification in consequence of, such an Order;
- (k) include such incidental, supplementary and transitional provisions as appear to be necessary or expedient;
- (l) make different provisions as respects different classes of persons and different circumstances.

(3) In this Article, "teachers" includes such persons as may be prescribed, being persons employed otherwise than as teachers –

- (i) in a capacity connected with education which to a substantial extent involves the control or supervision of teachers; or
- (ii) in employment which involves the performance of duties in connexion with the provision of education or services ancillary to education.

(4) Orders made under this Article may be framed –

- (a) so as to apply in relation to the pension which is being paid or may become payable thereunder to or in respect of a person who, having served in an employment, service in which is pensionable under such an Order, has ceased to serve therein or died before it comes into operation; or
- (b) so as to require or authorise the payment of pensions to or in respect of such persons;

but such an Order shall not place any person in a worse position than he would have been if it had not applied to a pension which is being paid or may become payable to him, unless he is given an opportunity by the Order to elect that it shall not so apply.

(5) An Order made under this Article may be framed so as to have effect from a date earlier than the date on which it is made:

Provided that such an Order shall not place any person who is qualified to participate in the benefits for which it provides in a worse position than he would have been in if the Order had had effect only from the date on which it was made.

ARTICLE 3

TEACHERS' SUPERANNUATION FUND

(1) For the purposes of this Law there shall be established a fund to be known as "the Teachers' Superannuation Fund" (hereinafter referred to as "the Fund").

(2) There shall be paid into the Fund –

- (a) the contributions or other payments made under paragraph (1) of Article 2, or paragraph (2) of Article 5, 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 under reciprocal arrangements entered into by the Committee;
- (d) any sums which on the coming into force of Article 5 of this Law are standing to the credit of the Fund known as the "Fonds de Retraite Scolaires" established by virtue of Article 3 of the "Loi (1923) sur les pensions de retraite scolaires";¹
- (e) any other sums which the States may become liable to contribute to the Fund.

(3) There shall be paid out of the Fund –

- (a) prescribed pensions;

¹ Tomes IV–VI, page 565.

- (b) any sum payable in respect of repaid contributions, and any interest payable thereon;
- (c) any sums payable by way of transfer values under reciprocal arrangements entered into by the Committee;
- (d) any allowances and gratuities payable under paragraph (2) of Article 5 of this Law;
- (e) any administrative expenses of the Fund;

and any monies in the Fund which are not for the time being required for those purposes may be paid over to the Treasurer of the States and by him invested in accordance with such directions as may be given by the Finance and Economics Committee.

(4) The Finance and Economics Committee may borrow money under the guarantee of the annual income of the States in order to obtain currency, other than sterling, required for any purpose connected with the investment of the Fund.

(5) The Committee shall by Order provide for the holding of meetings between such representatives of the Committee, the Finance and Economics Committee and the persons to whom Orders made under Article 2 of this Law apply, as may be prescribed, to discuss the management of the Fund.

(6) 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 coming into force of this Law, or at such lesser number of years as the Committee may, at its absolute discretion, determine and thereafter, during the period ending with the thirty-first day of December in every fifth or earlier year as the Committee may determine 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 under this Law to support the pensions and other benefits payable thereunder.

(7) A copy of every report under paragraph (6) of this Article shall be laid before the States as soon as may be after it is made.

ARTICLE 4

OFFENCES

Any person who, knowingly, by means of any false representation, statement or document, or by personation or other fraudulent means, obtains or attempts to obtain, for himself, or for any other person, any pension, or any increase in, or payment in respect of, such a pension or any sum by way of repaid contributions, under any Order made under this Law, shall be guilty of an offence and shall be liable to a fine or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

ARTICLE 5

REPEAL AND SAVING

(1) Subject to paragraph (2) of this Article, the Laws listed in the Schedule to this Law shall be deemed to have been repealed from such date or dates as may be prescribed.

(2) The repeal of the Laws listed in the Schedule to this Law shall not affect their operation in relation to –

- (a) any annual allowance which began to accrue under those Laws before the date of their repeal;
- (b) any additional allowance or gratuity which became payable under those Laws before that date; or
- (c) any liability to pay contributions under those Laws in respect of the person to or in respect of whom any such allowance or gratuity was granted;

and such allowances and gratuities shall be payable out of, and such contributions shall be payable into, the Fund as though they were prescribed pensions and contributions.

ARTICLE 6

TRANSITORY PROVISIONS

(1) For the purpose of preserving parity with England and Wales as regards the superannuation of teachers, as defined in paragraph (3) of Article 2 of this Law, who are employed in the Bailiwick at the time of the coming into force of this Article, or who were employed in the Bailiwick during such period preceding that time as may be prescribed, the Committee may by Order apply to the Bailiwick, subject to such modifications, adaptations or exceptions as may be prescribed, such of the provisions of –

- (a) the Teachers' Superannuation Act, 1965 (c.83), an Act of Parliament of the United Kingdom;
- (b) the Teachers' Superannuation Act, 1967 (c.12), an Act of Parliament of the United Kingdom;
- (c) the Superannuation Act, 1972 (c.11), an Act of Parliament of the United Kingdom, insofar as the Act applies to teachers;
- (d) any enactments made under any of those Acts;

as may be prescribed, whether or not those Acts or subordinate enactments are in force in England and Wales at the time they are applied to the Bailiwick under this paragraph, and they shall, in their application to the Bailiwick, be deemed to have had effect from the date on which they came into force in England and Wales until the date on which they ceased to be in force there, or such earlier date or dates as may be prescribed.

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(2) An Order made under this Article may contain such incidental, supplementary and consequential provisions as appear to be necessary or expedient.

ARTICLE 7

ORDERS

(1) The Committee may make Orders prescribing anything which by this Law is to be prescribed.

(2) The Subordinate Legislation (Jersey) Law, 1960,² as amended,³ shall apply to Orders made under this Law.

(3) Before making such an Order, the Committee shall consult representatives of persons to whom the proposed Order applies.

ARTICLE 8

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Teachers Superannuation (Jersey) Law, 1979.

(2) This Law shall come into force on such day as the States may by Act appoint and different days may be appointed for different purposes of this Law.

² Volume 1957–1960, page 519.

³ Volume 1975–19-, page 145.

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SCHEDULE

(Article 5)

REPEALS⁴

“Loi (1919) sur les pensions de retraite scolaires”.

“Loi (1923) sur les pensions de retraite scolaires”.

“Loi (1924) (Amendement) sur les pensions de retraite scolaires”.

“Loi (1928) sur les pensions de retraite scolaires”.

Teachers (Superannuation) (Jersey) Law, 1948.

Teachers (Superannuation) (War Service) (Jersey) Law, 1948.

Teachers (Superannuation) (No. 2) (Jersey) Law, 1948.

Teachers (Superannuation) (Jersey) Law, 1949.

Teachers (Superannuation) (Jersey) Law, 1957.

Teachers (Superannuation) (Jersey) Law, 1958.

E.J.M. POTTER

Greffier of the States.

⁴ Tomes IV-VI, pages 530, 564 and 655, Volume VI (1939 edition), page 329, Volume 1946-1948, pages 479, 489 and 501, Volume 1949-1950, page 283 and Volume 1957-1960, pages 97 and 313.