



Jersey

PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME) (STATES OF JERSEY PRISON SERVICE – AMENDMENTS) (JERSEY) REGULATIONS 2013

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Jersey

**PUBLIC EMPLOYEES (CONTRIBUTORY
RETIREMENT SCHEME) (STATES OF JERSEY
PRISON SERVICE – AMENDMENTS) (JERSEY)
REGULATIONS 2013**

Made

16th January 2013

Coming into force

1st February 2013

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967¹, have made the following Regulations –

PART 1

**AMENDMENTS TO THE PUBLIC EMPLOYEES (CONTRIBUTORY
RETIREMENT SCHEME) (JERSEY) REGULATIONS 1967**

1 Interpretation

In this Part “principal Regulations” means the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967².

2 Regulation 20 amended

In Regulation 20 of the principal Regulations –

(a) for the Regulation heading, there is substituted the following heading –

“20 Members of the Police Force and Fire Service, and Prison Governor”;

(b) in paragraph (1) there are deleted the words “and the States of Jersey Prison Service”; and

(c) in paragraph (1)(b) there are deleted the words “, or the Prison Officers (Jersey) Regulations 1957”.

3 Regulation 20A inserted

After Regulation 20 of the principal Regulations there is inserted the following Regulation –

“20A Modification of scheme for prison officers

In their application to a person employed as a prison officer in the States of Jersey Prison Service, these Regulations shall have effect subject to the following modifications –

- (a) subject to paragraphs (d) and (e), the normal retiring age shall be 60 years for such a person and the definition “normal retiring age” in Regulation 1 shall be construed accordingly;
- (b) the references in Regulation 5 to the Civil Service Administration (Pension) (Jersey) Rules 1963³, shall be construed as references to the Prison Officers (Jersey) Regulations 1957⁴;
- (c) the annual rate of retirement pension shall be calculated as 1/45th of the member’s average salary for each year of service (calculated in completed years plus 1/12th of a year for each completed month in the final part-year up to the date of leaving service, or the date of attaining normal retiring age if earlier, plus any completed years of service between the date of attaining normal retiring age and the date of leaving service if later), subject to a maximum of 35 years of service, and Regulation 7(2) shall be amended accordingly;
- (d) in Regulation 7(4) “normal retiring age” means 55 years and the power of the Chief Minister under Regulation 7(4) to require a member to retire at any time not more than 5 years before attaining normal retiring age shall not be exercisable save after consultation with the Minister for Home Affairs; and
- (e) in Regulation 11 –
 - (i) the references to 50 and 60 years of age shall be amended to 45 and 50 years of age respectively, and
 - (ii) the reference to normal retiring age shall be taken to mean 55 years.”.

PART 2

**AMENDMENT TO THE PUBLIC EMPLOYEES (CONTRIBUTORY
RETIREMENT SCHEME) (GENERAL) (JERSEY) REGULATIONS 1989**

4 Regulation 17 amended

In Regulation 17 of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989⁵ -

- (a) after the words “(as defined in the 1989 Existing Members Regulations or the 1989 New Members Regulations)” there are inserted the words “or a

category C member (as defined in the 1989 New Members Regulations)”;
and

- (b) for the words “Regulation 17, 18, 19 or 20” there are substituted the words “Regulation 17, 18, 19, 20 or 20A”.

PART 3

AMENDMENTS TO THE PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME) (EXISTING MEMBERS) (JERSEY) REGULATIONS 1989

5 Interpretation

In this Part “principal Regulations” means the Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989⁶.

6 Regulation 1 amended

In Regulation 1 of the principal Regulations –

- (a) in the definition “category B member”, in paragraph (a), there are deleted the words “a Chief Officer of the States of Jersey Prison Service,”;
- (b) for the definition “normal retiring age”, there is substituted the following definition –

“ ‘normal retiring age’ means -

- (a) for category A members employed in the States of Jersey Prison Service, subject to the modifications set out in Regulations 5(2), 6(7) and 8(1A), 60 years;
- (b) for all other category A members, 55 years;
- (c) for category B members, 60 years; and
- (d) for all other members, 65 years,

provided that in the case of a Crown Officer or Magistrate who continues to hold office after the age of 65 years it shall mean the age attained on the date on which he or she ceases to hold office;”;

- (c) after the definition “session”, there is inserted the following definition -
- “ ‘SOJPS’ means the States of Jersey Prison Service;”.

7 Regulation 2 amended

In Regulation 2 of the principal Regulations –

- (a) in paragraph (12)(a), for the words “Subject to sub-paragraphs (b) and (c), a person who was” there are substituted the words “Subject to sub-paragraphs (b), (c) or (d) a person who was”; and

-
- (b) after paragraph (12)(c) there is added the following sub-paragraph –
- “(d) In the case of an employee who -
- (i) was a member of the scheme under these Regulations but ceased to be a member, and
- (ii) becomes employed in the SOJPS,
- the employee cannot apply to be re-admitted to the scheme under these Regulations, and for the purpose of this Regulation it does not matter whether the employee was previously a category A member of the scheme under these Regulations employed in the SOJPS.”.

8 Regulation 5 amended

In Regulation 5 of the principal Regulations -

- (a) the text beginning with the words “Subject to Regulation 17” and ending with the words “the annual rate of which shall be -” shall be numbered as paragraph (1) of that Regulation; and
- (b) after paragraph (1) there is added the following paragraph –
- “(2) In this Regulation, “normal retiring age” means in the case of a member who became, before 1st March 2009, a category A member of the scheme under these Regulations employed in the SOJPS, 55 years.”.

9 Regulation 6 amended

In Regulation 6 of the principal Regulations –

- (a) for paragraph (1) there is substituted the following paragraph –
- “(1) Subject to paragraph (1A), this Regulation applies to any member who has completed not less than 10 years pensionable service.”;
- (b) for paragraph (1A) there is substituted the following paragraph –
- “(1A) This Regulation does not apply to a member who became, on or after 1st March 2009, a category A member of the scheme under these Regulations.”;
- (c) after paragraph (1A) there is inserted the following paragraph –
- “(1B) Subject to paragraph (4), a member to whom this Regulation applies may retire at any time not more than 5 years before attaining normal retiring age and receive a pension in accordance with paragraph (3).”;
- (d) in paragraph (3), for the words “paragraph (1)” there are substituted the words “paragraph (1B)”;
- (e) after paragraph (6) there is added the following paragraph –
- “(7) In this Regulation, “normal retiring age” means in the case of –
- (a) a Crown Officer or Magistrate, 65 years;

-
- (b) a member who became, before 1st March 2009, a category A member of the scheme under these Regulations employed in the SOJPS, 55 years.”.

10 Regulation 6A inserted

After Regulation 6 there is inserted the following Regulation -

“6A Modification of scheme – SOJPS members employed after 1st March 2009

- (1) This Regulation applies to a member who became, on or after 1st March 2009, a category A member of scheme under these Regulations employed in the SOJPS.
- (2) A member to whom this Regulation applies may retire not more than 5 years before normal retiring age and shall on retirement receive a pension calculated in accordance with Regulation 5.”.

11 Regulation 8 amended

In Regulation 8 of the principal Regulations -

- (a) in paragraph (1), for the words “Regulations 5, 6 or 7” there are substituted the words “Regulations 5, 6, 6A or 7”; and
- (b) after paragraph (1) there is inserted the following paragraph –
- “(1A) In this Regulation, “normal retiring age” means in the case of a category A member employed in the SOJPS, 55 years.”.

PART 4

**AMENDMENTS TO THE PUBLIC EMPLOYEES (CONTRIBUTORY
RETIREMENT SCHEME) (NEW MEMBERS) (JERSEY)
REGULATIONS 1989**

12 Interpretation

In this Part “principal Regulations” means the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989⁷.

13 Regulation 1 amended

In Regulation 1 of the principal Regulations –

- (a) in the definition “category A member”, for the words “not being a category B member” there are substituted the words “not being a category B or category C member”;

- (b) in the definition “category B member”, in paragraph (a), there are deleted the words “a Chief Officer of the States of Jersey Prison Service;”;
- (c) after the definition “category B member” there is inserted the following definition –
 - “ ‘category C member’ means a member employed in the States of Jersey Prison service (“SOJPS”) –
 - (a) whose employment in the SOJPS first commences on or after 1st February 2013; or
 - (b) who is re-admitted or admitted to the scheme in accordance with Regulation 2(14)(c);”;
- (d) for the definition “normal retiring age”, there is substituted the following definition –
 - “ ‘normal retiring age’ means -
 - “(a) for category A members employed in the SOJPS, subject to the modifications set out in Regulations 5(2), 6(8) and 8(1AA), 60 years;
 - (b) for all other category A members, 55 years;
 - (c) for category B members, 60 years;
 - (d) for category C members, 60 years; and
 - (e) for all other members, 65 years,provided that in the case of a Crown Officer or Magistrate who continues to hold office after the age of 65 years it shall mean the age attained on the date on which he or she ceases to hold office;”;
- (e) after the definition “session”, there is inserted the following definition -
 - “ ‘SOJPS’ means the States of Jersey Prison Service;”.

14 Regulation 2 amended

In Regulation 2 of the principal Regulations –

- (a) in paragraph (14)(a), for the words “Subject to sub-paragraph (b)” there are substituted the words “Subject to sub-paragraph (b) or (c)”;
- (b) after paragraph (14)(b), there is added the following sub-paragraph –
 - “(c) In the case of a person described in sub-paragraph (a) who on again becoming an employee, is employed in the SOJPS, he or she shall be re-admitted or admitted (as the case may be) to the scheme under these Regulations as a category C member (regardless of whether that person was previously employed as a category A member in the SOJPS), and in accordance with paragraph (15).”.

15 Regulation 5 amended

In Regulation 5 of the principal Regulations –

-
- (a) the text beginning with the words “Subject to Regulation 17” and ending with the words “the annual rate of which shall be -” shall be numbered as paragraph (1) of that Regulation;
 - (b) after sub-paragraph (a), there is inserted the following sub-paragraph –
 - “(aa) in respect of a category C member, 1/70th of the member’s average salary for each completed year (and pro rata for completed days) of pensionable service provided that the member’s annual rate of pension shall not exceed 3/4ths of the member’s final pensionable salary; and”;
 - (c) after paragraph (1), there is added the following paragraph –
 - “(2) In this Regulation, “normal retiring age” means in the case of a member who became, before 1st March 2009, a category A member of the scheme under these Regulations employed in the SOJPS, 55 years.”.

16 Regulation 6 amended

In Regulation 6 of the principal Regulations –

- (a) for paragraph (5), there is substituted the following paragraph –
 - “(5) The pension payable to a member who first became an employee before 1st January 2006, but excluding such a member who is re-admitted or admitted to the scheme in accordance with Regulation 2(14)(c), shall be the amount calculated in accordance with Regulation 5.”;
- (b) for paragraph (6), there is substituted the following paragraph -
 - “(6) Subject to paragraph (7), the pension payable to -
 - (a) a member who first became an employee after 31st December 2005; or
 - (b) a member who is re-admitted or admitted to the scheme in accordance with Regulation 2(14)(c),shall be the amount calculated in accordance with Regulation 5 reduced by 2.4% for each year (and so in proportion for any part of a year) by which the member’s age at the time of his or her retirement, or termination of office or employment falls short of the age of 65 years in the case of a Crown Officer or Magistrate or, in any other case, normal retiring age.”; and
- (c) After paragraph (7), there is added the following paragraph -
 - “(8) In this Regulation, ‘normal retiring age’ means in the case of a category A member employed in the SOJPS before 1st March 2009, 55 years.”.

17 Regulation 6AA inserted

After Regulation 6A there is inserted the following Regulation -

“6AA Modification of scheme – SOJPS members employed after 1st March 2009

- (1) This Regulation applies to a member who became, on or after 1st March 2009, a category A member of scheme under these Regulations employed in the SOJPS.
- (2) A member to whom this Regulation applies may retire not more than 5 years before normal retiring age and shall on retirement receive a pension calculated in accordance with Regulation 5.”.

18 Regulation 8 amended

In Regulation 8 of the principal Regulations –

- (a) in paragraph (1)(b), after the words “Regulation 6A” there are inserted the words “, Regulation 6AA”;
- (b) in paragraph (1A)(a)(i), after the words “1st January 2006” there are inserted the words “(but excluding such a member who is re-admitted or admitted to the scheme in accordance with Regulation 2(14)(c))”;
- (c) after paragraph (1A) there is inserted the following paragraph –
“(1AA) In this Regulation, ‘normal retiring age’ means in the case of a category A member employed in the SOJPS, 55 years.”;
- (d) in paragraph (1C) -
 - (a) after the words “(1F)”, there are inserted the words “or (1I)”;
 - (b) for the words “is a category A or category B member”, there are substituted the words “is a category A, category B or category C member”;
- (e) after paragraph (1G), there are inserted the following paragraphs -
“(1H) This paragraph applies to a category C member who is entitled to a deferred pension payable in accordance with paragraph (1A)(a)(ii) where that pension is either in whole or in part attributable to a transfer value received by the Treasurer under Regulation 7 of the General Regulations from a registered pension scheme within the meaning of Part 4 of the Finance Act 2004 (c.12) of the United Kingdom.
(1I) A category C member to whom paragraph (1H) applies -
 - (a) may choose to be paid in accordance with paragraph (1C) such part of the pension that is not attributable to the transfer value described in paragraph (1H); and
 - (b) may also be paid in accordance with paragraph (1C), such part of the pension that is attributable to the transfer value.”.

19 Citation and commencement

These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service – Amendments) (Jersey) Regulations 2013 and shall come into force on 1st February 2013.

M.N. DE LA HAYE

Greffier of the States

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- 1* chapter 16.650
 - 2* chapter 16.650.48
 - 3* R&O.4413
 - 4* R&O.3863
 - 5* chapter 16.650.36
 - 6* chapter 16.650.12
 - 7* chapter 16.650.60