



Jersey

## **PUBLIC EMPLOYEES (PENSION SCHEME) (MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 2019**

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## **PUBLIC EMPLOYEES (PENSION SCHEME) (MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 2019**

*Made*

*15th January 2019*

*Coming into force*

*15th January 2019*

**THE STATES** make the following Regulations under Article 2 of the Public Employees (Pensions) (Jersey) Law 2014<sup>1</sup> –

### **1 Amendment of Regulation 22 (transfers out) of the Public Employees (Pension Scheme) (Administration) (Jersey) Regulations 2015**

In Regulation 22 of the Public Employees (Pension Scheme) (Administration) (Jersey) Regulations 2015<sup>2</sup>, for paragraph (3) there is substituted –

“(3) Up to and including 31st December 2018, where a transfer payment is paid out of the fund under this Regulation, that payment extinguishes the person’s rights to any other benefits under the respective schemes, as well as the rights of any person contingently entitled to any benefit payable upon that person’s death.

(4) From 1st January 2019, where a transfer payment is paid out of the fund under this Regulation, that payment extinguishes the person’s rights to any other benefits under the 1967 Scheme or the Scheme, as the case may be, as well as the rights of any person contingently entitled to any benefit payable upon that person’s death.”.

### **2 Amendment of Regulation 4 (meaning of “pensionable earnings”) of the Public Employees (Pension Scheme) (Membership and Benefits) (Jersey) Regulations 2015**

In Regulation 4(2) of the Public Employees (Pension Scheme) (Membership and Benefits) (Jersey) Regulations 2015<sup>3</sup> –

(a) in sub-paragraph (f) for “; or” there is substituted “;”;

(b) in sub-paragraph (g) for “benefits.” there is substituted “benefits; or”;

(c) after sub-paragraph (g) there is inserted –

“(h) from 1st January 2019, any payment of a temporary nature.”.

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**3 Amendment of the Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations 2015**

- (1) The Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations 2015<sup>4</sup> are amended under paragraphs (2), (3) and (4).
- (2) In Regulation 1 (interpretation) –
  - (a) in paragraph (1) –
    - (i) after the definition “pensioner member” there is inserted –  
““pensionable earnings” has, with effect from 1st January 2019, the same meaning as in Regulation 4 of the Membership and Benefits Regulations;”,
    - (ii) in the definition “pensionable service”, after “qualifies” there is inserted “a”;
  - (b) in paragraph (2)(b), for “the expression “normal retiring age” when used in relation to a transition member, has the meaning assigned to that expression”, there is substituted “the expressions “normal retiring age”, and with effect from 1st January 2019 “salary”, when used in relation to a transition member, have the meaning assigned to those expressions”.
- (3) In Regulation 9 (calculation of final pensionable earnings), for paragraph (3) there is substituted –  
“(3) With effect from 1st January 2019, where paragraph (2) applies, a transition member’s final pensionable earnings for the purposes of Article 11(2)(b), (3) and (4)(a) of the Law, must be calculated by reference to –
  - (a) in the case of a transition member who has completed 10 or more years’ pensionable service under the Scheme, the highest of that member’s pensionable earnings over 365 consecutive days in the 10 years prior to, and ending on the relevant date;
  - (b) in the case of a transition member who has completed less than 10 years’ pensionable service under the Scheme but 10 or more years’ pensionable service in aggregate under the respective schemes, the highest of that member’s pensionable earnings or salary over 365 consecutive days in the 10 years prior to, and ending on the relevant date; or
  - (c) in the case of a transition member who has completed less than 10 years’ pensionable service in aggregate under the respective schemes, the highest of that member’s pensionable earnings or salary over 365 consecutive days beginning with the year in which the transition member commenced his or her last or only period of employment, and ending on the relevant date.”.
- (4) In Regulation 15 (transfer payments) –

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- (a) in paragraph (1) for “Where,” there is substituted, “With effect from 1st January 2019, subject to paragraphs (1A) and (1B), where”;
  - (b) after paragraph (1) there is inserted –
    - “(1A) With effect from 1st January 2019, this paragraph applies to a transition member who has attained his or her normal retiring age but who remains in Scheme employment.
    - (1B) Notwithstanding that a transition member to whom paragraph (1A) applies has not ceased active membership of the Scheme, he or she may apply for a transfer payment, under Regulation 22 of the Administration Regulations, of his or her retirement benefits accrued under the 1967 Scheme.”;
  - (c) for paragraphs (2) and (3) there is substituted –
    - “(2) With effect from 1st January 2019, this paragraph applies where, before the transition date, a member of the 1967 Scheme has requested the Administrator to accept a transfer payment under Regulation 23(3) of the Administration Regulations but the Administrator does not receive that transfer payment until on, or after the transition date.
    - (3) Where paragraph (2) applies, the transfer payment received must be dealt with in accordance with Regulation 23(4)(a) and (b)(ii) and (5) of the Administration Regulations.”.

#### **4 Citation and commencement**

These Regulations may be cited as the Public Employees (Pension Scheme) (Miscellaneous Amendments) (Jersey) Regulations 2019 and come into force immediately upon being made.

**DR. M. EGAN**

*Greffier of the States*

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- 1* chapter 16.640  
*2* chapter 16.640.10  
*3* chapter 16.640.30  
*4* chapter 16.640.70