



Jersey

**TEACHERS' SUPERANNUATION (EXISTING
MEMBERS) (AMENDMENT No. 4) (JERSEY)
ORDER 2013**

Arrangement

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TEACHERS' SUPERANNUATION (EXISTING MEMBERS) (AMENDMENT No. 4) (JERSEY) ORDER 2013

Made

18th January 2013

Coming into force

1st March 2013

THE CHIEF MINISTER, in pursuance of Articles 2 and 7 of the Teachers' Superannuation (Jersey) Law 1979¹, orders as follows –

PART 1 GENERAL

1 Interpretation

In this Order “principal Order” means the Teachers' Superannuation (Existing Members) (Jersey) Order 1986².

PART 2

ILL HEALTH BENEFITS

2 Article 1 amended

For paragraph (8) of the principal Order there shall be substituted the following paragraphs –

- “(8) A person is referred to in this Order as being incapacitated during any period in which –
 - (a) in the case of a teacher, the employer of that teacher is satisfied that the teacher is incapable of discharging efficiently the duties of the teacher's employment by reason of ill-health or disability of mind or body; and
 - (b) in the case of any other person, the Management Board is satisfied that he or she is incapable by reason of ill-health or

disability of mind or body of earning his or her livelihood and the person is not maintained out of public funds, and references to incapacity are to be construed accordingly.”.

3 Article 51 amended

In Article 51 of the principal Order –

- (a) in paragraph (1)(a)(i) the words “and has been employed” up to and including “paragraph (5)” shall be deleted;
- (b) in paragraph (1)(a)(ii) the words “for at least” up to and including the words “paragraph (5)” shall be deleted;
- (c) for paragraph (1)(b) there shall be substituted the following subparagraph –
 - “(b) before attaining the age of 60 has become incapacitated and has been employed in such service as is mentioned in subparagraph (a)(i) or (ii) for a period of 2 years or more.”;
- (d) for paragraph (3) there shall be substituted the following paragraph –
 - “(3) If a teacher becomes entitled to any allowance under paragraph (1)(b), the Management Board may, after –
 - (a) considering medical reports on the teacher; and
 - (b) consulting the Actuary,require the employer to meet any additional costs that the Actuary may determine to be payable in relation to the teacher.”;
- (e) paragraphs (5), (6) and (7) shall be repealed.

4 Article 53 amended

For Article 53(2) there shall be substituted the following paragraph –

- “(2) An annual allowance payable to a teacher by virtue of Article 51(1)(b) shall begin to accrue on the day following that on which the teacher ceases to be employed in reckonable service.”.

5 Article 76 amended

After Article 76(2) of the principal Order there shall be inserted the following paragraph –

- “(2A) The Management Board may make such reasonable enquiries as it thinks appropriate for the purposes of determining whether it is satisfied that a teacher has ceased to be incapacitated, for the purposes of paragraph (1), or has again become incapacitated, for the purposes of paragraph (2), as the case may be.”.

PART 3
DEATH GRATUITIES

6 Article 56 amended

For Article 56 of the principal Order there shall be substituted the following Article –

“56 Death gratuities

- (1) There shall be paid to the legal personal representatives of a teacher who dies on or after 1st March 2013 while employed in reckonable service, or who dies on or after that date within one year of ceasing by reason of ill health to be so employed, a gratuity of the amount specified in paragraph (2) or (3).
- (2) If the teacher has completed 5 years or more reckonable service the amount of gratuity shall be an amount equal to –
 - (a) twice the annual salary the teacher was receiving at the date of his or her death; or
 - (b) twice the annual salary the teacher would have received had he or she been employed in reckonable service at the date of his or her death.
- (3) If the teacher has completed less than 5 years reckonable service the amount of gratuity shall be an amount equal to whichever is the greater of the amount calculated in accordance with subparagraph (a) or (b) –
 - (a) 2/5ths of the annual salary that the teacher –
 - (i) was receiving at the date of his or her death, or
 - (ii) would have received had he or she been employed in reckonable service at the date of his or her death,for each completed year of reckonable service and pro rata for each completed day of reckonable service; or
 - (b) the greater of –
 - (i) the amount by which the teacher's average salary exceeds any additional allowance or short service gratuity paid to the teacher, and
 - (ii) the additional allowance which would have been payable to the teacher under Article 54 if, on the date of the teacher's death, the teacher had become incapacitated.
- (4) There shall be paid to the legal personal representatives of a teacher who dies before 1st March 2013 while employed in reckonable service or who dies before such date within one year of ceasing by reason of ill health to be so employed a gratuity of an amount equal to whichever is the greater of –

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- (a) the amount by which the teacher's average salary exceeds any additional allowance or short service gratuity paid to the teacher; and
 - (b) the additional allowance which would have been payable to the teacher under Article 54 if, on the date of the teacher's death, the teacher had become incapacitated.
- (5) In respect of a teacher who dies on or after 1st April 2007 and before 1st March 2013 while employed in reckonable service or who dies between such dates and within one year of ceasing by reason of ill health to be so employed, a gratuity shall be calculated as if paragraph (2) or (3), as the case may be, applied to that teacher.
- (6) If the amount calculated by virtue of paragraph (5) is greater than the amount of gratuity paid under paragraph (4), there shall be paid to the teacher's legal personal representatives an additional payment equal to the difference between those amounts.
- (7) There shall be paid to the legal personal representatives of a teacher who –
- (a) ceased or ceases to be employed in reckonable service after March 1972;
 - (b) was immediately before the teacher's death credited with not less than 2 years reckonable service; and
 - (c) is not a teacher in respect of whom a gratuity is payable under paragraph (1) or (4),
- a gratuity of an amount equal to the additional allowance that would have been payable to the teacher by virtue of Article 54(1), (2) and (3) if the teacher had been entitled to an allowance in accordance with those provisions.
- (8) No gratuity shall be payable under this Article in respect of a teacher to whose legal personal representatives a sum equal to the balance of the teacher's contributions is payable under Article 45 or to whom allowances were paid by virtue of Article 51(1)(b) after the teacher last ceased to be employed in reckonable service.
- (9) Where an amount described in this Article has been paid before 1st March 2013, nothing in this Article confers a right to payment of an amount of the same description on or after that date.”

PART 4

CLOSING

7 Citation and commencement

- (1) This Order may be cited as the Teachers' Superannuation (Existing Members) (Amendment No. 4) (Jersey) Order 2013 and shall come into force on 1st March 2013.

SENATOR I.J. GORST

Chief Minister

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- ¹ *chapter 16.850*
² *chapter 16.850.60*