



Jersey

**PUBLIC EMPLOYEES (CONTRIBUTORY  
RETIREMENT SCHEME) (EXISTING MEMBERS)  
(AMENDMENT No. 11) (JERSEY)  
REGULATIONS 2011**

*Made*

*2nd February 2011*

*Coming into force*

*9th February 2011*

**THE STATES**, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967<sup>1</sup>, have made the following Regulations –

**1 Interpretation**

In these Regulations “principal Regulations” mean the Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989<sup>2</sup>.

**2 Regulation 6 amended**

In Regulation 6 of the principal Regulations –

(a) in paragraph (3) after the words “Regulation 5 and” there shall be inserted the words “, except as provided by paragraph (3A),”;

(b) after paragraph (3) there shall be added the following paragraphs –

“(3A) The pension of a category A member who, on or after the date on which the Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 11) (Jersey) Regulations 2011<sup>3</sup> come into force, retires or has his or her employment terminated and whose pension, either in whole or in part, is 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 on or after that date shall be payable as follows –

(a) such part of the member’s pension that is not attributable to such a transfer value shall be payable from the date of the

- member's retirement or the date the member has his or her employment terminated, as the case may be; and
- (b) such part of the pension that is attributable to such a transfer value shall –
  - (i) be payable from the date of the member's normal retiring age, and
  - (ii) be treated for the purposes of the scheme as a deferred pension to which the member is entitled under Regulation 8(1)(a).
- (3B) A member shall be treated for the purposes of the scheme as a deferred pensioner in respect of that part of the pension treated as a deferred pension under paragraph (3A)(b) except that the member shall not be permitted to waive entitlement to that deferred pension by requesting a refund of contributions or a transfer payment.”.

### 3 Regulation 13 amended

In Regulation 13 of the principal Regulations –

- (a) in paragraph (1) after the words “entitled to a pension under the scheme” there shall be inserted the words “, other than a member described in paragraph (1A),”;
- (b) after Regulation 13(1) of the principal Regulations there shall be inserted the following paragraphs –
  - “(1A) A member entitled to a pension payable in accordance with Regulation 6(3A) may elect to exchange up to a maximum of one-quarter of –
    - (a) that part of the member's pension which is attributable to the transfer value described in Regulation 6(3A);
    - (b) that part of his or her pension which is not so attributable; or
    - (c) each such part,for a lump sum payment.
  - (1B) An election under paragraph (1A) must be made within 6 months before the part of the pension in respect of which the election is made becomes payable.
  - (1C) When the part of the pension in respect of which an election has been made under paragraph (1A) becomes payable, for each one pound of the part of the pension exchanged the sum to be paid shall be £13.50.”.

**4 Citation and commencement**

These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 11) (Jersey) Regulations 2011 and shall come into force 7 days after they are made.

**A.H. HARRIS**

*Deputy Greffier of the States*

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- <sup>1</sup> *chapter 16.650*  
<sup>2</sup> *chapter 16.650.12*  
<sup>3</sup> *R&O.12/2011*