



Jersey

**PUBLIC EMPLOYEES (CONTRIBUTORY
RETIREMENT SCHEME) (NEW MEMBERS)
(AMENDMENT No. 14) (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 1967¹, have made the following Regulations –

1 Interpretation

In these Regulations “principal Regulations” mean the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989².

2 Regulation 6 amended

In Regulation 6 of the principal Regulations –

(a) after paragraph (3) there shall be inserted the following paragraphs –

“(3A) A member who is a category A member who, on or after the date on which the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 14) (Jersey) Regulations 2011³ 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 receive a pension under the scheme as follows –

(a) such part of the member’s pension that is not attributable to such a transfer value shall, except as provided by paragraph (7), 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;

- (b) the reduction described in paragraph (6) shall be applied only to such part of the pension that is payable from the date described in sub-paragraph (a);
 - (c) such part of the pension that is attributable to such transfer value shall be treated for the purposes of the scheme as a deferred pension to which the member is entitled under Regulation 8(1A)(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)(c) 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.”
- (b) in paragraph (4) for the words “paragraph (7)” there shall be substituted the words “paragraphs (3A) and (7)”.

3 Regulation 8 amended

In Regulation 8 of the principal Regulations –

- (a) in paragraph (1B) after the words “paid a pension” there shall be inserted the words “immediately, such pension being”;
- (b) for paragraph (1C) there shall be substituted the following paragraph –

“(1C) Subject to paragraph (1F), if a member who is entitled to a deferred pension in accordance with paragraph (1A)(a) is a category A or category B member, other than a category A member to whom paragraph (1E) applies, the member may at any time within the 5 years before attaining normal retiring age choose to be paid a pension immediately, such pension being calculated in accordance with Regulation 5 reduced by a neutral percentage for each year (and so in proportion for any part of a year) by which the member’s age at the time when the payment of the pension starts falls short of the member’s normal retiring age.”;
- (c) there shall be inserted after paragraph (1E) the following paragraphs –

“(1F) A member to whom paragraph (1G) applies may be paid –

 - (a) in accordance with paragraph (1C), such part of the pension that is not attributable to the transfer value described in paragraph (1G)(c); and
 - (b) in accordance with paragraph (1A)(a), such part of the pension that is attributable to such transfer value.

(1G) This paragraph applies to a member who –

 - (a) chooses to be paid a pension under paragraph (1C), payment of such pension commencing on or after the date on which the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 14) (Jersey) Regulations 2011⁴ come into force;
 - (b) was a category A member at the time he or she ceased to be an employee; and

- (c) has a pension 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 on or after the date the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 14) (Jersey) Regulations 2011⁵ come into force.”.

4 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 or deferred pensioner described in paragraph (4),”;
- (b) after paragraph (3) there shall be added the following paragraphs –
 - “(4) A member or deferred pensioner entitled to a pension under the scheme by virtue of Regulation 6(3A), or to whom Regulation 8(1G) applies, 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) or Regulation 8(1G), as the case may be;
 - (b) that part of his or her pension which is not so attributable; or
 - (c) each such part,for a lump sum payment.
 - (5) An election under paragraph (4) must be made within 6 months before the part of the pension in respect of which the election is made becomes payable.
 - (6) When the part of the pension in respect of which an election has been made under paragraph (4) becomes payable, for each one pound of the part of the pension exchanged the sum to be paid shall be £13.50.”.

5 Citation and commencement

These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 14) (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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- 1* chapter 16.650
 - 2* chapter 16.650.60
 - 3* R&O.13/2011
 - 4* R&O.13/2011
 - 5* R&O.13/2011