



Jersey

**TEACHERS' SUPERANNUATION (GENERAL
PROVISIONS) (AMENDMENT No. 3) (JERSEY)
ORDER 2007**

Arrangement

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Jersey

TEACHERS' SUPERANNUATION (GENERAL PROVISIONS) (AMENDMENT No. 3) (JERSEY) ORDER 2007

Made

28th March 2007

Coming into force

29th March 2007

THE CHIEF MINISTER, in pursuance of Articles 2, 3 and 7 of the Teachers' Superannuation (Jersey) Law 1979¹, and after consultation with the Management Board, orders as follows –

1 Interpretation

In this Order, "principal Order" means the Teachers' Superannuation (General Provisions) (Jersey) Order 1986².

2 Article 1 amended

(1) In Article 1 of the principal Order, in paragraph (1) –

(a) for the definition "accepted school" there shall be substituted the following definition –

“‘accepted school’ means a school that is an accepted school under the Administration Order;”;

(b) the definition "Actuary" shall be deleted;

(c) after the definition "Actuary" there shall be inserted the following definition –

“‘Administration Order’ means the Teachers' Superannuation (Administration) (Jersey) Order 2007;”;

(d) in the definitions "agreed" and "approved", for the word "Minister" there shall be substituted the words "Management Board";

(e) the definition "approved superannuation scheme" shall be deleted;

(f) for the definition "interchange provisions" there shall be substituted the following definition –

“ ‘interchange provisions’ means –

- (a) Articles 20 and 21 of the Administration Order;
 - (b) the former Part 4 of this Order repealed by the Teachers' Superannuation (General Provisions) (Amendment No. 3) (Jersey) Order 2007; and
 - (c) any previous provisions of this Order to like effect;”.
- (2) In Article 1 of the principal Order, in paragraphs (8)(a) and (b) and (9), for the word “Minister” there shall be substituted the words “Management Board”.

3 New Article 2A inserted

After Article 2 of the principal Order there shall be inserted the following Article –

“2A Application of Order to persons employed on or after 1st April 2007

- (1) A person shall not be taken to be employed in reckonable service for the purposes of this Order if he or she becomes employed as a teacher under a contract of employment under which the first day of the person's employment is on or after 1st April 2007.
- (2) Despite paragraph (1), a person shall be taken to be employed in reckonable service for the purposes of this Order if he or she –
 - (a) was employed in reckonable service for the purposes of this Order but has ceased for a period to be so employed;
 - (b) becomes employed as a teacher under a contract of employment under which the first day of the person's employment is on or after 1st April 2007;
 - (c) is, apart from the operation of paragraph (1), employed in reckonable service; and
 - (d) has not, within 4 weeks after the first day of his or her employment, elected under Article 7 of the Teachers' Superannuation (New Members) (Jersey) Order 2007 to become a member of the scheme established under that Order.
- (3) A reference in this Order to a teacher shall not include a reference to a person who, in accordance with this Article, is not taken to be employed in reckonable service for the purposes of this Order.”.

4 Article 3 amended

In Article 3 of the principal Order –

- (a) in paragraphs (1), (2) and (3), for the word “Minister” there shall be substituted the words “Management Board”;
- (b) in paragraph (6), for the words “Minister” and “Minister's” there shall be substituted the words “Management Board” and “Board's” respectively.

5 Article 4 amended

In Article 4 of the principal Order –

- (a) paragraphs (1), (2) and (3) shall be deleted;
- (b) in paragraph (5) –
 - (i) for the word “Minister” there shall be substituted the words “Management Board”,
 - (ii) the definition “governing body” shall be deleted.

6 Article 5 amended

In Article 5 of the principal Order, in paragraph (5), for the words “Minister” and “Minister’s” there shall be substituted the words “Management Board” and “Board’s” respectively.

7 Article 6 amended

In Article 6 of the principal Order, in paragraph (2) –

- (a) in sub-paragraph (a) for the word “Minister” there shall be substituted the words “Management Board”;
- (b) in sub-paragraph (b) –
 - (i) for the words “Minister received” there shall be substituted the words “Fund received”,
 - (ii) for the words “Minister within” there shall be substituted the words “Management Board within”.

8 Article 7 amended

In Article 7 of the principal Order, in paragraph (3) for the words “Minister” (twice occurring) and “Minister’s” there shall be substituted the words “Management Board” and “Board’s” respectively.

9 Article 9 amended

In Article 9 of the principal Order –

- (a) in paragraph (2), for the words “9.95%” there shall be substituted the words “16.4%”;
- (b) at the end, there shall be added the following paragraphs –
 - “(3) An employee or employer may, in accordance with Articles 18 and 19 of the Administration Order, be required to pay a different amount to the amount referred to in paragraph (1) or (2).
 - (4) Each employee or employer shall contribute to the scheme the contributions, determined by the Management Board on the advice of the Actuary, that are required to be paid in accordance with a proposal, accepted under Article 18 or 19 of the Administration

Order, to increase the contributions payable respectively by an employee or employer.”.

10 Article 10 amended

In Article 10 of the principal Order, in paragraph (2), for the word “Minister” (twice occurring) there shall be substituted the words “Management Board”.

11 Article 11 amended

In Article 11 of the principal Order, in paragraph (2)(b), for the word “Minister” there shall be substituted the words “Management Board”.

12 Article 13 amended

In Article 13 of the principal Order for the word “Minister” there shall be substituted the words “Management Board”.

13 Article 18 amended

In Article 18 of the principal Order, in paragraphs (1) and (2)(a), for the word “Minister” there shall be substituted the words “Management Board”.

14 Article 22 amended

In Article 22 of the principal Order –

- (a) in paragraphs (4) and (10), for the word “Minister” (wherever occurring) there shall be substituted the words “Management Board”;
- (b) in paragraph (12) for the words “is credited with reckonable service in pursuance of Article 80” there shall be substituted the words “is credited with additional periods of reckonable service under Article 20 of the Administration Order”.

15 Article 23 amended

In Article 23 of the principal Order –

- (a) in paragraph (2), for the word “Minister” there shall be substituted the words “Management Board”;
- (b) in paragraph (3), for the word “Minister” there shall be substituted the word “Fund”.

16 Article 27 amended

In Article 27 of the principal Order, in paragraph (5)(i), for the word “Minister” there shall be substituted the words “Management Board”.

17 Article 28 amended

In Article 28 of the principal Order, in paragraphs (4) and (6), for the word “Minister” there shall be substituted the words “Management Board”.

18 Article 29 amended

In Article 29 of the principal Order, in paragraph (4), for the word “Minister” there shall be substituted the words “Management Board”.

19 Article 30 amended

In Article 30 of the principal Order, for paragraph (1)(b)(ii), there shall be substituted the following clause –

“**(ii)** in the case of a teacher in respect of whom a transfer value shall be paid under Article 21 of the Administration Order, the date on which the teacher becomes subject to the pension scheme in question,”.

20 Article 31 amended

In Article 31 of the principal Order, in paragraph (3), for the word “Minister” there shall be substituted the words “Management Board”.

21 Article 35 amended

In Article 35 of the principal Order, in paragraph (2), for the word “Minister” there shall be substituted the words “Management Board”.

22 Article 39 amended

In Article 39 of the principal Order, in paragraphs (2) and (3), for the word “Minister” (wherever occurring) there shall be substituted the words “Management Board”.

23 Article 41 amended

In Article 41 of the principal Order –

- (a) in the heading, for the word “Minister” there shall be substituted the words “Management Board”;
- (b) in paragraphs (1) and (3) for the word “Minister” there shall be substituted the words “Management Board”.

24 Article 42 amended

In Article 42 of the principal Order, in paragraph (2), for the word “Minister” there shall be substituted the words “Management Board”.

25 Article 44 amended

In Article 44 of the principal Order, in paragraph (c), for the word "Minister" there shall be substituted the word "Fund".

26 Article 46 amended

In Article 46 of the principal Order, for paragraph (4) there shall be substituted the following paragraph –

"(4) The contributions specified in paragraph (2), and mentioned in paragraph (3) as repaid, include contributions paid or treated as paid as teacher's contributions in respect of comparable British service or of any teacher in respect of whom a payment has been received under –

- (a) Article 20 of the Administration Order;
- (b) Article 80 of this Order before it was repealed by the Teachers' Superannuation (General Provisions) (Amendment No. 3) (Jersey) Order 2007; or
- (c) a previous provision to the like effect of Article 80."

27 Article 47 amended

In Article 47 of the principal Order, in paragraph (1)(b), for the word "Minister" there shall be substituted the words "Management Board".

28 Article 50 amended

In Article 50 of the principal Order for the word "Minister" (twice occurring) there shall be substituted the words "Management Board".

29 Article 51 amended

In Article 51 of the principal Order –

- (a) in paragraph (1)(a), in clauses (i) and (ii), and paragraph (3), for the words "at least 5 years" (wherever occurring) there shall be substituted the words "at least the period nominated by him or her under paragraph (5)";
- (b) at the end there shall be added the following paragraphs –
 - "(5) A teacher may, at any time, by notice in writing to the Management Board, nominate a period of 2 years or 5 years as the minimum period that he or she shall be required to be employed in reckonable service before being entitled to any allowance under this Article.
 - (6) For the purposes of this Order, unless and until a person makes a nomination under paragraph (5) he or she shall be taken to have nominated a period of 2 years for the purposes of that paragraph.

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- (7) The number of years that a person nominates, or, under paragraph (6), shall be taken to nominate, may not be altered by a nomination under paragraph (5) after the person begins to receive an allowance under this Article.”.

30 Article 52 amended

In Article 52 of the principal Order, in paragraph (5), for the word “Minister” (twice occurring) there shall be substituted the words “Management Board”.

31 Article 53 amended

In Article 53 of the principal Order, in paragraph (2)(b), for the word “Minister” there shall be substituted the words “Management Board”.

32 Article 54 amended

In Article 54 of the principal Order, in paragraph (8), for the word “Minister” there shall be substituted the words “Management Board”.

33 Article 56 amended

In Article 56 of the principal Order, in paragraph (2)(b), for the words “5 years” there shall be substituted the words “2 years”.

34 Article 61 amended

In Article 61 of the principal Order, in paragraph (7)(a), for the words “5 years” there shall be substituted the words “2 years”.

35 Article 62 amended

In Article 62 of the principal Order, in paragraph (2), for the words “5 years” there shall be substituted the words “2 years”.

36 Article 63 amended

In Article 63 of the principal Order, in paragraph (2)(a), for the word “Minister” there shall be substituted the words “Management Board”.

37 Article 66 amended

In Article 66 of the principal Order, in paragraph (b), for the word “Minister” there shall be substituted the words “Management Board”.

38 Article 67 amended

In Article 67 of the principal Order, in paragraph (1), for the word "Minister" there shall be substituted the words "Management Board".

39 Article 68 amended

In Article 68 of the principal Order, in paragraphs (4), (5) and (6), for the word "Minister" there shall be substituted the words "Management Board".

40 Article 69 amended

In Article 69 of the principal Order for the word "Minister" (twice occurring) there shall be substituted the words "Management Board".

41 Article 70 amended

In Article 70 of the principal Order, in paragraph (2)(a) and (b), for the word "Minister" there shall be substituted the words "Management Board".

42 Article 71 amended

In Article 71 of the principal Order, for paragraph (4)(b) there shall be substituted the following sub-paragraph –

- “(b) if the teacher was employed in reckonable service for –
 - (i) at least 3 years – the highest annual average of the amount received by the teacher during 3 consecutive years of being employed in reckonable service, or
 - (ii) more than 2 but less than 3 years – the highest annual average of the amount received by the teacher during any 2 consecutive years of being employed in reckonable service,being a period ending not more than 10 years before the date when the teacher ceased to be so employed.”.

43 Article 72 amended

In Article 72 of the principal Order, in paragraph (1)(d), for the word "Minister" there shall be substituted the words "Management Board".

44 Article 73 amended

In Article 73 of the principal Order –

- (a) in paragraph (4)(a)(ii) –
 - (i) for the words "determined by the Minister" there shall be substituted the words "determined by the Management Board",
 - (ii) for the words "an actuary appointed by the Minister" there shall be substituted the words "the Actuary";

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- (b) in paragraphs (6) and (7), for the word “Minister” (wherever occurring) there shall be substituted the words “Management Board”.

45 Article 76 amended

In Article 76 of the principal Order, in paragraphs (1), (2) and (4), for the word “Minister” (wherever occurring) there shall be substituted the words “Management Board”.

46 Article 77 amended

In Article 77 of the principal Order –

- (a) for the words “Article 79” there shall be substituted the words “Articles 20 and 21 of the Administration Order”;
- (b) for the word “Minister” (wherever occurring) there shall be substituted the words “Management Board”.

47 Part 4 deleted

Part 4 of the principal Order shall be deleted.

48 Article 83 amended

In Article 83 of the principal Order, in paragraphs (1) and (2), for the words “Minister” (wherever occurring) and “his or her” there shall be substituted the words “Management Board” and “its”, respectively.

49 Article 84 amended

In Article 84 of the principal Order, in paragraphs (1) and (5), for the word “Minister” (wherever occurring) there shall be substituted the words “Management Board”.

50 Article 85 amended

In Article 85 of the principal Order, for the word “Minister” (twice occurring) there shall be substituted the words “Management Board”.

51 Article 86 amended

In Article 86 of the principal Order, in paragraph (3)(b), for the word “Minister” there shall be substituted the words “Management Board”.

52 Article 87 amended

In Article 87 of the principal Order for the word “Minister” there shall be substituted the words “Management Board”.

53 Article 88 amended

In Article 88 of the principal Order for the words "Minister" and "Minister's" there shall be substituted the words "Management Board" and "Board's" respectively.

54 Article 89 amended

In Article 89 of the principal Order, in paragraph (1)(d), for the words "Article 79" there shall be substituted the words "Article 21 or 22 of the Administration Order".

55 Article 90 substituted

For Article 90 of the principal Order there shall be substituted the following Article –

“90 Citation

This Order may be cited as the Teachers' Superannuation (Existing Members) (Jersey) Order 1986.”.

56 Schedule 1 amended

In Schedule 1 to the principal Order –

- (a) in Part 1, in paragraphs 5(1) and (2) and 6(8), for the word "Minister" (wherever occurring) there shall be substituted the words "Management Board";
- (b) in Part 2, in paragraph 3(2), for the word "Minister" there shall be substituted the words "Management Board".

57 Schedule 2 amended

In Schedule 2 to the principal Order, in the notes to the Schedule, in notes 1 and 2, for the word "Minister" (wherever occurring) there shall be substituted the words "Management Board".

58 Schedule 4 amended

In Schedule 4 to the principal Order, in paragraphs 3, 4(1) and (2), 5(1), (2) and (3) and the table to paragraph 6, for the word "Minister" (wherever occurring) there shall be substituted the words "Management Board".

59 Schedule 5 deleted

Schedule 5 to the principal Order shall be deleted.

60 Transitional provisions

- (1) All rights enjoyed and liabilities incurred by the Minister in connection with a function of the Minister transferred to the Management Board by virtue of an amendment made by this Order to a provision of the principal Order, as in force immediately before this Order came into force, shall be transferred to the Management Board and become the rights and liabilities of the Management Board.
- (2) A provision of a contract or other instrument that specifies that a right or liability of the Minister is incapable of transfer shall, to the extent that it applies to a right or liability transferred by paragraph (1), be of no effect.
- (3) The operation of paragraph (1) shall not be regarded –
 - (a) as a breach of contract or confidence or otherwise as a civil wrong;
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or
 - (c) as giving rise to any remedy by a party to a contract or other instrument, as an event of default under any contract or other instrument or as causing or permitting the termination of any contract or other instrument, or of any obligation or relationship.
- (4) In the construction of, and for the purposes of, any judgment, award, contract, certificate or other document passed or made before this Order comes into force, anything that is, or is to be construed as, a reference to the Minister or an officer of an administration of the States to which the Minister is assigned responsibility shall, so far only as may be necessary for and in consequence of the transfers of functions effected by this Order, be construed as a reference to the Management Board.
- (5) The amendments effected by this Order in relation to the transfer of any function or power of the Minister shall not prejudice the operation of any appointment, delegation, determination, direction, instruction, approval, consent, requirement, authorization or other thing that is, before this Order comes into force, made, given or done by the Minister in relation to the functions, rights and liabilities so transferred, but such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the Management Board.
- (6) Anything commenced before this Order comes into force by or under the authority of the Minister may, so far as it relates to the functions, rights, or liabilities transferred by this Order, be carried on and completed by or under the authority of the Management Board.
- (7) Where, at the coming into force of this Order, any legal proceeding is pending –
 - (a) to which the Minister is a party by virtue of the Law or the principal Order; and
 - (b) that has reference to any of the functions, rights, or liabilities transferred by this Order,

the Management Board shall be substituted in the proceeding for the Minister and the proceeding shall not abate by reason of the substitution.

61 Citation and commencement

- (1) This Order may be cited as the Teachers' Superannuation (General Provisions) (Amendment No. 3) (Jersey) Order 2007.
- (2) This Order shall come into force on the day on which the Teachers' Superannuation (New Members) (Jersey) Order 2007 comes into force.

SENATOR F.H. WALKER

Chief Minister

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- ¹ *chapter 16.850*
² *chapter 16.850.60*